SENATE—*Friday, May 29, 1987*

The Senate met at 9:30 a.m. and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Therefore a man shall leave his father and mother and shall cleave unto his wife; and they shall be one flesh.—Genesis 2:24.

God of creation, loving Father in Heaven, in terms of real values, so desperately needed and so tragically abandoned in our culture, nothing about the Senate is of greater import than the celebration of a national leader's 50th year of marriage. Remembering that Jesus performed His first miracle at a wedding feast—thus honoring His Father and sanctifying marriage. And at a time when marriage and the family are under siege, we praise and thank You for our beloved leader and his gracious lady on the occasion of their golden wedding anniversary. With joy unbounded, we express our gratitude for their faithfulness to each other and to their family. We pray that You will visit them and all their loved ones with a very special measure of grace on this significant day. Thank You for their example of what God intended marriage to be. May it move us all to emulate their beautiful model. As we pray for them, we pray for all the families in the U.S. Senate. Where there is brokenness, bring healing; where love has faded, renew affection; where there is alienation, grant reconciliation; where there is despair, hope. You know, Lord, how the tyranny of Senate life militates against home and family. Infuse our marriages with Your unconditional love, patience, and peace. And, Lord, thank You for the sheer pleasure of seeing the Senators and their wives enjoying each other last night. Grant that they may do this more often. Hear our prayer in the name of Him whose love binds us together. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 29, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceeding be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OUR CUP RUNNETH OVER

Mr. BYRD. Mr. President, I have much more to be thankful for this morning than I can acknowledge because of the limitation of time. But I would be remiss if I did not thank our Chaplain for his kind reference to the 50th anniversary of my marriage. The Chaplain was at the most delightful function last night which I shall always remember as one enchanted evening. The words in his prayer were words of hope, encouragement, and inspiration.

Last evening was an inspirational one. It showed a different side of the Senate. We often hear that Senators are a select group. They are more than that. They are a very busy group of people. Their time is so consumed in the mad rush of days and business that the few minutes of private life that they might have with their families are precious indeed. And yet, last night, I was so moved that so many of my colleagues took so much of their little time that they have, to be with Erma and me and to share with us the joy of our 50th anniversary.

It showed a soft and tender, understanding and affectionate, and loving side to the Senate. It was an outpouring of grace that I shall never forget.

It was probably the most enjoyable, memorable, gratifying moment of my life. There is an affinity that makes us brothers; none walks his way alone. All that we send into the lives of others comes back into our own.

My wife and I have many things for which to be thankful. God, above all, has been good to us.

We married in the deep days of the Depression, so we have had lean years and we have had good years. We have had our cup of joy and our chalice of tears. So we thank God for the many blessings. We have a wonderful family, two lovely daughters, two beautiful granddaughters, and four model grandsons, and a host of dear and wonderful friends. Our cup runneth over.

RECOGNITION OF ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting minority leader is recognized.

THE 50TH WEDDING ANNIVERSARY OF SENATOR AND MRS. ROBERT C. BYRD

Mr. SIMPSON. Mr. President, I was there. I was present last evening on the occasion of the 50th wedding anniversary of Senator BYRD and Mrs. Byrd. On that occasion, the Chaplain gave a very remarkable prayer. He gave us another magnificent prayer this morning.

There is really no way to properly describe the evening. Those who were there will list it as a most memorable event held in the Grand Hall of the Library of Congress—surely one of the most magnificent buildings in Washington. In my 8 years here, I have shared in and participated in many events on many occasions. Last night was to have been a surprise party on the 50th wedding anniversary of our leader, which he read about in USA Today, I believe. It is impossible to surprise the majority leader in any event, in any forum. And it did not work last night. But he and Erma Byrd came down the grand staircase to join the waiting group of diners rendering a standing ovation to them in those beautiful surroundings. It was a very, very special time.

The Secretary of the Senate, Joe Stewart, showed his fine hand and he must be commended. JAY ROCKEFELLER gave a most moving series of remarks, as did his lovely wife, Sharon. It was very touching. BOB DOLE, our fine and able Republican leader, shared much of himself, as did his lovely wife, Elizabeth. Their remarks too were a very moving part of the evening. Praise was shared and gifts presented.

If someone should ask me what the evening was about at some future

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time, I shall tell them it was about a union, a remarkable union. I shall tell them it was about sharing a life. I will tell them it was about modest beginnings—nay, maybe less than that—and the pursuit of the American dream and how a young man ceased his work on a Friday evening and married the lady of his life and went to a square dance and went back to work Monday morning. And said last night, "Honeymoon? Only 50 years of honeymoon."

I will tell them about that and I will tell them that it was about working and striving and succeeding. That is part of what the evening was about.

And it was about a warm and extraordinary and extraordinarily gentle woman, Erma Byrd, who, the more you visit with her, meet with her, and come to know her, is just one remarkable lady of great common sense, great good wisdom, and great gentleness.

The evening was about joy and some despair in a life to be lived, because that goes with it too, and it touched also on life and death, which is about life. Yet, really, it was mostly about grace and love and affection. And it was very, very moving, very potent, very poignant, and very powerful to me.

The chemistry of that spring evening will reside with me for some many years in my lifetime. I was honored to share it all right at the table with our leader and Erma.

He is a man I have come to learn to greatly respect. We all do that, though. That comes with the territory. Just knowing him, you come to respect him. But I have also come to love him—and that is even more of a hazardous thing to let out of the bag. That is very difficult to do because you can get that all twisted up. But I must say that.

That does not mean that we will not have some rich scraps. Oh, no. He will like that, too. But it does mean that it is a relationship that has that kind of a base. When you have that kind of base, you can go through pain and anguish, yes, even bitterness and dislike, and it all skips off the surface of that base. You cannot impregnate it. And last night added an even richer dimension to that relationship.

I thought, as the leader spoke of our busy lives, it is not that we forget feelings or forget to respond to our fellow humans in extremity, or forget anniversaries or birthdays or funerals; it is just that it is all clogged up on top of us. When your mind is working on something, you are searching for feeling in the feeling world, and your staff suddenly says there are 15 people waiting for you in the outer room and that guy from the press who has been waiting for 3 years to visit with you is here, and so off you go, out the door. That evening last night was one which served to smooth off the edges of that kind of existence. There was tenderness there. That is very true and it was described well.

I shall not forget another thing the leader said. I shall have to paraphrase, but the leader would have it exactly correct. It was about Shakespeare. What he said in essence was that mercy comes from kings, but grace comes from the heart, and is not available to buy or sell or trade.

It all ended then with lush music from a remarkable congregation known as the Strolling Strings. They played many things, a rich tapestry of a repertoire, from the "Romanian Rhapsody" to "Somewhere my Love" and then even a bit of hoedown music we all loved. It was hard to keep from moving your toes to that.

So it was, I think, as the leader described it last night, as a sparkling evening in his picture book of memories; as I recall it was something like that. I say, indeed, it was an evening unforgettable. Congratulations and Godspeed to our fine leader and his most extraordinary life's companion.

Mr. BYRD. Mr. President, I am grateful for the gracious words that have been spoken by my inimitable friend.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the consideration of routine morning business not to extend beyond the hour of 10 o'clock, with Senators permitted to speak therein for not more than 5 minutes each.

The Chair recognizes the Senator from Wisconsin.

THE 50TH WEDDING ANNIVERSARY OF SENATOR AND MRS. ROBERT C. BYRD

Mr. PROXMIRE. Mr. President, all of us were reminded last night of the remarkable leader we have in this body at his surprise 50th anniversary. Fiftieth anniversary; just think of that. Married 50 years.

Mr. President, one of the great things about our leader, and there are many good things about him, is that he is a very, very hard worker. I do not know anybody, and I have been in the Senate 30 years now, who has worked harder at being majority leader and been the good leader he has. He has also worked hard at his marriage and has had a smashingly successful marriage, too.

I join in the eloquent statements of the Chaplain and the assistant minority leader.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield.

Mr. BYRD. I want to thank the Senator for his kind felicitations. The Senator from Wisconsin is not unaccustomed to work, as witness his unequaled voting record on this side, in which he has cast over 10,000 rollcall votes.

That is an example to be emulated.

Mr. PROXMIRE. Mr. President, I thank my good friend, the majority leader. I might say that some people say we would have a better country if I had missed them all.

Mr. STENNIS. Will the Senator yield?

Mr. PROXMIRE. Mr. President, I am happy to yield to the distinguished President pro tempore.

Mr. STENNIS. The crowning point about the facts that we have had related here this morning and that we experienced last night at this remarkable occasion, the 50th anniversary of our friend, is that it is all true, fully true and correct, and that this happened under our system which is embodied in the words of the Constitution and other edicts of our Government. That is what I thought of last night with a heart full of gratitude and appreciation, the reality of life as well as the appreciation for the character and leadership of this remarkable couple. So that is America. That is what we have, well publicized in this way.

If I may just add a word, I picked this young man in my mind when he first came here; I thought I recognized the possibilities of achievement along the highway of character and honor, responsibility, and if I may say, modestly, that is what has happened. America is a greater land because of him.

I thank the Senator for yielding.

Mr. BYRD. Mr. President, if the Senator from Wisconsin will allow me to respond briefly.

Mr. PROXMIRE. I will be happy to yield.

Mr. BYRD. I thank the President pro tempore of the Senate for his words.

Senator STENNIS has always been an inspiration to me from the moment I came into the Senate and he still is an inspiration as one who is always at this post of duty.

Finally, let me say that Senator STENNIS and I belong to a little club of our own. We both have reached that 50th anniversary of marriage, and although "Miss Coy" has gone on to her reward, Senator STENNIS had 53 years, beautiful years of marriage to that wonderful lady. So I am grateful for his kind words about when I came to the Senate and now.

Mr. GRAHAM. Mr. President, I wish to add my remarks to those already spoken about the beautiful evening which was shared last night in honor of 50 years of love and marriage.

It is one of the great pleasures of serving in this body to have the oppor-

tunity to know individuals and particularly to know the families of our colleagues.

I thank the majority leader for the special occasion he shared with us last evening.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Florida for spending the evening with us.

Mr. NICKLES. Mr. President, I wish to associate myself with the numerous remarks made commending the majority leader on celebrating his 50th anniversary, which shows a tremendous amount of dedication and commitment to his lovely wife and also his commitment to his State and to his country. He has served 29 years in this body. That is certainly commendable service to his State of West Virginia and to our country as well. I compliment him on that. Fifty years is a fantastic achievement both for Senator BYRD and his wife.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his gracious and very charitable remarks.

Mr. NICKLES. And very deserving remarks to the Senator from West Virginia. I thank the Senator.

ORDER OF PROCEDURE

Mr. PROXMIRE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. PROXMIRE. I ask unanimous consent that my time start running now.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A MILITARY DRAFT: THE WRONG WAY TO GO

Mr. PROXMIRE. Mr. President, considerable sentiment is reported to be building in the Congress for a return to military conscription. That is the draft. The New York Times recently reported that the distinguished chairman of the Armed Services Committee, Senator SAM NUNN, favors resuming the draft. So does Senator ERNEST HOLLINGS. Charles Robb, the chairman of the Democratic Leadership Conference, and former Governor of Virginia, has also reportedly called for a draft.

Mr. President, these draft advocates are wise as well as influential men. But are they right? This Senator is convinced they are wrong. Few Senators have been as critical of our military policies over the years as this Senator. But there can be no question that in the past 14 years—that is, since the draft ended in 1973—there has been a steady and, in fact, a spectacular improvement in one very important aspect of our defense establishment. We should consider carefully where that improvement has taken place. It is in military personnel.

Now, Mr. President, there is aspect of military strength that is nearly as critical as the quality of personnel. This is specially true in the modern Armed Forces, with the emphasis on complex technology, technical proficiency, intelligence, individual ingenuity at every level of operations making the real difference in the success or failure of military missions.

David Armor is Deputy Assistant Secretary for Force Management and Personnel. Recently Secretary Armor testified before the Senate Armed Services Subcommittee on Manpower and Personnel. His testimony goes right to the heart of this critical policy choice the Congress has, between an All-Volunteer Armed Forces and a draft. Mr. Armor told the subcommittee that in the 10 years from 1964 to 1973—the draft years—72 percent of the recruits were high school graduates. In 1986, on the other hand, after 14 years of volunteer recruiting, 92 percent were high school graduates. And, Mr. President, that compares with only 75 percent high school graduates among all the Nation's youth. In other words, the armed services that had been able to recruit young people who were average or a little below average in educational attainment with the draft have since been able to recruit service personnel with much stronger educational background. Incidentally, Armed Forces figures also show a substantially higher level of intelligence ratings on objective tests for present recruits than was the case during the draft. Other objective criteria show even more impressive advantages for the volunteer armed services. At a time when drug abuse has become a tragically more common occurrence among young Americans, drug abuse in the armed services has actually declined—in fact, spectacularly declined. Alcohol abuse also has become a far less severe problem in the Armed Forces of the mid-1980's. Another objective measure of morale in the AWOL or absence without leave record. Here again, the volunteer Armed Forces show a decisively better record than the draft Armed Forces based on the latest statistics.

All of this, Mr. President, is especially significant at a time when the Soviet military has been reliably reported as low in morale—especially in view of their Afghanistan fiasco with heavy desertions and AWOL. As has been the case for many years, alcohol abuse is a far more serious problem in the Soviet Armed Forces that rely on draftees for recruiting than in the United States Armed Forces. Furthermore, while the health of the U.S. Armed Forces as measured by days lost for illness is excellent, the health of the Soviet armed services has become a serious problem.

Did the draft make a major difference in the imposition of military service on blacks as compared to whites? The record shows practically no difference. During the draft, 17 percent of those coming into the service were black compared with 12 percent of the youth population. Last year, 19 percent of the recruits were black compared to 15 percent of the youth population. That ratio is almost precisely the same in both periods.

This Senator is always specially concerned about the cost of these programs. Proponents of the draft argue that it would permit a reduction in the pay of service personnel and thus save billions of dollars. The fact is that the costs would be almost identical. Here is why: The wage cost of the first-term service men and women constitute only 10 percent of personnel costs and only 2 percent of the military budget. So the difference in pay would constitute a small fraction of 1 percent of the military budget. And there is a major offset. A draft would cost an additional $1 billion in training costs because 100,000 2-year draftees would be needed to replace 3- and 4-year recruits.

Finally, consider the view of the American public in this democracy. In 1965, a Harris poll showed 90 percent support for the draft. In 1968, when the war in Vietnam raised public opposition, a Gallup poll showed support for the draft down to 53 percent. Even as late as 1980, a Gallup poll showed 59 percent for the draft. But in more recent years there has been a dramatic turnaround. In 1984, a poll by the University of Chicago's National Opinion Research Center—paid for by the Ford Foundation—showed only 24 percent wanted a return to the draft.

This Senator has disagreed with President Reagan and Secretary Weinberger on many aspects of our military policy. But on the draft the administration has it exactly right. The administration opposes the draft and favors the All-Voluntary Armed Forces. Fourteen years of experience has shown that on this military issue the administration is emphatically right.

Mr. President, I ask unanimous consent that an article by Richard Halloran in the March 25, 1987, New York Times, headlined "Official Defends Volunteer Army Against a Possible Plea for Draft," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 25, 1987]

OFFICIAL DEFENDS VOLUNTEER ARMY AGAINST A POSSIBLE PLEA FOR DRAFT

(By Richard Halloran)

WASHINGTON, March 24.—A senior Defense Department official today gave Congress what Pentagon officials characterized as a

Republican defense of a volunteer military force against an expected call by some Democrats for a return to the draft.

David J. Armor, who is Deputy Assistant Secretary for Force Management and Personnel, contended that with "our 13-year record of success with the volunteer force, it seems unlikely that a legitimate case can be made for returning to conscription."

Influential Democrats such as Senator Sam Nunn of Georgia, who is chairman of the Armed Services Committee, former Gov. Charles S. Robb of Virginia, who is chairman of the Democratic Leadership Council, and Senator Ernest F. Hollings of South Carolina have indicated that they would favor resuming the draft.

NO PUBLIC DEBATE

But debate over the draft has so far remained below the surface and has not erupted into a public issue. Senator Nunn, for instance, has said he expects the draft to be "a principal issue" in Congress this year with the Democrats in control. But a spokesman said today the senator had no immediate plans to hold hearings on it.

On the other hand, officials aware of Mr. Armor's thinking said the Republicans expected the Democrats to make an issue of the draft in the Presidential election campaign next year and that Mr. Armor was trying to establish a public record that could be used in debate.

President Reagan and Secretary of Defense Caspar W. Weinberger have opposed the draft, although they compromised on a 1980 campaign pledge to repeal draft registration and retained it at the urging of the Joint Chiefs of Staff. But no existing law permits conscription itself.

A spokesman for the Democratic Leadership Council said today, "We would like to see it become one of the issues on the agenda." He said many Democrats wanted a draft because of a decline in the male population of military age, rising costs of recruiting, and what they consider to be an undue burden on blacks for defending the nation.

The Coalition for a Democratic Majority, led by Representative Dave McCurdy of Oklahoma, has proposed a program of volunteer national service, as has former Senator Gary Hart of Colorado, the leading candidate for the Democratic Presidential nomination in 1988.

DRAFT ENDED IN 1973

Those proposals, like one being prepared by the Democratic council, include vague provisions for military service. The coalition, for instance, has said that if a revival of the draft was needed, "the system of citizen soldiers would already be in place."

The military relied on the draft for most of the period from 1939 to 1973 until President Nixon let it expire after the end of the Vietnam War. President Carter persuaded Congress to reinstate draft registration in 1980, after the Soviet invasion of Afghanistan.

Mr. Armor, in what officials said was the most extensive defense of volunteer force in the six years of the Reagan Administration, argued that recruiting would be difficult in coming years because of a decline in the youth population, but would not be impossible.

Testifying before the Senate Armed Services Subcommittee on Manpower and Personnel, Mr. Armor said, "The majority of this population decline is already behind us and has had relatively little impact, thus far, on our ability to recruit high quality volunteers."

From 1964 to 1973, he said, 72 percent of recruits were high school graduates; in 1986, 92 percent were graduates, compared with 75 percent among the nation's youth.

Mr. Armor said, "critics of the volunteer force have charged that the white middle class is not doing its part for defense."

That criticism, he argued, "is largely unfounded." During the draft, 17 percent of those coming into the service were black, compared with 12 percent in the youth population, according to Pentagon figures. Last year, 19 percent of the recruits were black, compared with 15 percent of the youth population.

Turning to cost, Mr. Armor asserted that "there is no evidence that a return to conscription would save money." Cutting pay for first term service men and women, as critics have sometimes proposed, would save little because those wages amount to only ten percent of personnel costs and only two percent of the military budget, he said.

In contrast, Mr. Armor contended, a draft would cost an additional $1 billion in training costs because 100,000 two year draftees would be needed to replace three- and four-year recruits.

Finally, Mr. Armor argued, "major controversy has erupted nearly every time a draft has been considered." He pointed to the outcry during the Vietnam War. But he said recent data "show that the public is pleased with the current condition of the military."

He presented a chart with a Harris poll reporting 90 percent support for the draft in 1965, when the United States entered the war in Vietnam; a Gallup poll showed a drop to 53 percent in 1968 when resistance to the draft had arisen; and a Gallup poll with 59 percent support in 1980, when recruiting was going badly.

In 1984, Mr. Armor said, a poll by the University of Chicago's National Opinion Research Center paid for by the Ford Foundation showed that only 24 percent of the public wanted a return to the draft.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Oklahoma.

Mr. BYRD. Mr. President, will the Senator yield to me for a request?

Mr. NICKLES. Certainly.

Mr. BYRD. Mr. President, there are several Senators who wanted to speak during the period for morning business. I ask unanimous consent that that period be extended for not to exceed 15 minutes under the same conditions as were in the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Senator for yielding.

Mr. NICKLES. Mr. President, I thank the majority leader.

THE AIDS AWARENESS ACT

Mr. NICKLES. Mr. President, I rise today with deep concern about our Nation's foremost public health issue and what may be this century's most deadly disease, acquired immune deficiency syndrome. It seems we are being manipulated by the stigma surrounding AIDS, as a result, we have compromised the health of our Nation.

Right now we have a haphazard, hit-or-miss policy. And, unfortunately, we are missing more than hitting. It seems what little action has been taken today is having little or no effect in curbing the spread of AIDS. However, I do want to commend President Reagan for the leadership he is now taking on this issue. When he addresses the American Foundation for AIDS Research on Sunday, I hope he takes a definitive stand for routine AIDS testing of certain groups as part of the national effort to solve the AIDS crisis.

I am encouraged that the Senate has now begun to grapple with important AIDS policy questions on the Senate floor. Last week's debate on routine testing for marriage license applicants and for new AZT drug funds was the first real exchange of views on the AIDS issue between Senators on the floor. Several Senators brought up some positive points about the value of limited mandatory testing, with which I also agree.

I would like to help clarify one issue raised during last week's debate concerning the reliability of the testing measures. According to the epidemiologists at the Centers for Disease Control, the first test for AIDS antibodies, called the Elisa test, exceeds 98 percent accuracy. Under standard testing procedures, a person who receives positive results on a first Elisa test then takes a second Elisa test. A positive result from this second test leads to either a Western blot or immunofluorescent test, the accuracy of both tests approaches 99 percent. Testing is reliable, according to the experts at CDC.

What was glaringly evident to most of us during that debate on the floor was the severe lack of credible information available on the extent of the AIDS problem.

No one, no agency, no organization, really knows how many people are carrying the virus and passing it on to others. No one knows what proportion of those infected will ultimately develop frank AIDS, the fatal stage of the disease. We are suffering from a severe lack of credible, usable information about the deadliest contagious virus in America. It is unconscionable to think that the most technically sophisticated Nation on Earth cannot, or will not, take the necessary steps to begin gathering useful information which could help save millions of lives.

One thing of which we are certain—our Nation is being crippled by the worst epidemic in history. Surgeon General C. Everett Koop has called it a plague of medieval proportions. To put this in perspective, here are some

figures the World Health Organization gives for past plagues:

The bubonic plague killed 25 to 50 million between 1347 and 1350.

Influenza killed 22 million between 1917 and 1918.

Smallpox killed 400,000 at the height of the 19th century.

AIDS has the potential of surpassing these figures. More than 35,000 AIDS cases have already been reported in the United States. This number represents those at the frank stage; that is, they will shortly die from the virus. Further, an estimated 1½ to 3 million Americans carry the AIDS virus—some even estimate the figure as high as 4 million—and most carriers do not even know they have the virus. Mr. President, that means that 1 percent of Americans are carrying the AIDS virus.

The CDC estimates this number will climb to 5 million by 1991. Of those persons who are currently AIDS carriers, 20 to 30 percent of them will reach the deadly state of the disease within the next 5 years. It appears that even though the virus may remain dormant inside the body for many years, it will eventually develop to the deadly stage. And the disease continues to spread. Although we know it continues spreading through our population, we do not really know how fast. We need more information; we need more testing information.

AIDS is no longer just a disease of the homosexual and the drug addict communities. It has spread into the heterosexual population. Dr. Koop estimated by 1991, it will increase twentyfold in the heterosexual population. Currently 4 percent of AIDS victims are heterosexual, and hopes for a quick cure for this deadly disease do not look promising. The Surgeon General said we should not expect a vaccine in this century.

It is my guess, but it is a realistic estimate—we have not heard this from the Centers for Disease Control—that 1 million Americans will lose their lives by the turn of the century; that within the next few years, we will see in excess of 50,000 Americans every year dying from this deadly disease. That is comparable to all the Americans who lost their lives in Vietnam, and we are looking at that on an annual basis in the mid-1990's. So I hope that all Americans, not only Senators, but all Americans will wake up. This disease is not a laughing matter. We need to take every precaution possible.

The monetary cost of AIDS to the American people is already growing at an astronomical rate; 1986 Medicare and Medicaid costs for AIDS treatment are estimated at between $1.2 billion to $2.4 billion. That amounts to between $50,000 and $150,000 per patient during an average survival time of 18 months. About 40 percent of AIDS patients currently qualify for Medicaid, which covers about 57 percent of AIDS costs. However, by 1991 it is estimated that these Government costs will range between $8 billion and $16 billion.

So the cost in human lives is staggering. By the turn of the century 1 million Americans could lose their lives to this disease. The cost financially is staggering as well.

We should be shocked by the "medieval proportions" with which the disease is growing, we should be shocked by the monetary costs that will be involved to treat it, but we should be most shocked by our failure to act decisively on this issue, thereby insuring the proliferation of AIDS far into the future.

I believe we treat AIDS like we treat other communicable diseases—with routine testing, counseling and confidentiality. In every instance a communicable disease is involved, people across the Nation have agreed to routine but mandatory testing. For example, in about two dozen States we require premarital blood testing for venereal disease, a disease for which there is a cure. But when it comes to the deadly AIDS virus, we protect people not from the disease, but from a test. Routine for AIDS could be a life-saving requirement. As a matter of public policy, AIDS testing should be regarded as a measure of protection, as well as for research.

Many shy away from mandatory testing, saying we should "encourage high-risk individuals to seek testing voluntarily." There is probably not a Senator in this body who would disagree with encouraging high-risk individuals to seek testing. Unfortunately, too many high-risk persons refuse. In fact, a recent survey conducted in San Francisco shows 55 percent of the homosexuals surveyed did not want to know if they carried the virus. It appears the people who probably have the least to fear are the ones now seeking AIDS testing.

Education is important, counseling is vital, but education and counseling alone are not going to contain this disease. We need action that will give us accurate data, and that is why I propose starting a mandatory testing program for certain high-risk groups. Many States, including my own, are beginning to take decisive action. The Oklahoma House of Representatives has unanimously passed a bill to require testing all prison inmates for AIDS and all convicted prostitutes. It also requires segregation of those in prison who test positive for the AIDS virus. Oklahomans, like most Americans, are alarmed at the rapid growth in the number of AIDS cases. Since 1983, the number of reported cases in my State has more than doubled every year.

According to recent polling, the American people are supportive of some mandatory testing. A Gallup poll showed 87 percent of the public believe that we should test high-risk individuals—male homosexuals, intravenous drug users, prostitutes and the partners of these people. Seventy-one percent are for testing health care officials, and 85 percent support premarital testing.

The bill I have introduced would require the testing of persons convicted for narcotics abuse, prostitution, and rape. Further, it calls for testing of all prison inmates convicted of the aforementioned crimes since 1978. My staff has been in contact with the Centers for Disease Control, the American Medical Association, the Surgeon General, and the National Institutes of Health, and there is a consensus that most of the individuals in these groups are at high risk and more information is needed. For example, in some States, over 50 percent of the prostitutes test positive for the AIDS virus. Other studies show 75 percent of prostitutes are intravenous drug users.

Testing persons convicted of narcotics crimes, prostitution, and rape will give us cost-effective, useful data. While certain mandatory testing may be popular and helpful, like premarital testing, it would not necessarily be cost effective at this point as a research policy. According to officials at the Center for Disease Control, testing should be targeted to high-risk groups to yield the most useful data at the lowest cost. Our public health experts need usable information about the spread of this disease and the public-at-large also needs reliable information. This bill would give us data currently unavailable.

This bill would not provide all the information public health officials need, but it is a start. The purpose of this bill is clear: We need to know more about this virus and the testing of certain high risk groups will help provide that information. I urge my colleagues to examine this legislation and join with me in this effort to help provide reliable information to public health officials, to policymakers, and to all the American people.

TAXPAYERS BILL OF RIGHTS

Mr. PRYOR. Mr. President, I rise today to ask unanimous consent that three additional Senators be made original cosponsors of S. 604, the taxpayers bill of rights legislation. I am asking, Mr. President, that Senator ARMSTRONG, of Colorado, Senator BINGAMAN, of New Mexico, and Senator HATCH, of Utah be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, this brings our number of cosponsors to S. 604 as of today to 21. We are talking about Democrats and Republicans. We are talking about liberals and conservatives.

We have received some 2,000 letters from across the United States and over 1,500 phone calls from all States in the Union, stating the horror stories of overreach and abuse laid at the foot of the Internal Revenue Service.

Mr. President, I think it is most fitting that the distinguished majority leader would be in this Chamber at this moment because of the praise of not only his leadership but the commemoration of his 50th anniversary. He embodies probably more knowledge than all of the remainder of us put together about the various rules and procedures, the intricacies of the Constitution and the way that that Constitution works with this body and with the rules of this body.

Mr. President, I think, also, that in this year of the 200th anniversary of our Constitution there is no more appropriate time to basically rein in the awesome and abusive authority and power of the Internal Revenue Service than this year.

I am very pleased, Mr. President, to have these 21 cosponsors on this legislation and also, Mr. President, if I might, just picking from the huge stack of letters that we have in our office as a result of two hearings on the Internal Revenue Service, another one which is scheduled for late June on collections, seizures, and levies, the authoritative power of the IRS where the average taxpayer has no right, where there is no due process left, let me, if I might, read a few sentences from two or three of these letters.

Here is a letter, Mr. President, from Denver, CO. It states all about what this taxpayer had gone through, a small business, and the taxpayer states, "The IRS will not accept partial payment from the sale of our property. I was told by two IRS agents last week that they have a new policy in the Internal Revenue Service, and there is to be no repayment plan. Rather, it is more efficient to shut down the small businesses than to collect the tax."

Mr. President, that letter was from Denver, CO.

I have a letter that I received just last week, Mr. President, from a citizen, a small business person in southern Arkansas, who stated that:

In 1975 a tornado came through our small town. My father's home was destroyed along with all of his possessions. Also his younger son, my brother, died in that storm as well as many of our friends. He and my mother were hospitalized for 6 weeks. My father attempted to rebuild his home and overcome these difficulties. However, his grief, along with a heart condition, brought even more difficulty. In January of 1977 he died. Then the IRS moved in.

Mr. President, the problem was that all of the records of this businessman had been blown away in the storm. The IRS assessed a $8,000 penalty upon this taxpayer. They said that he did not meet the burden of proof.

Mr. President, our particular legislation would directly affect the burden of proof by changing it from a taxpayer to the Internal Revenue Service.

Here is a letter, Mr. President, from Illinois:

Earlier this year, my son was working in the St. Louis area and he had contact with IRS. He attempted to settle the difficulty by working out a way which he could repay in an installment system. However, in April—

This is the mother writing—

I opened my checking account bank statement. There was a nice little blue slip informing me that the IRS had withdrawn $1,420,01 from my account, not my son's, but mine.

Mr. President, the taxpayers bill of rights affects and directly directs its attention to abuses and overreach such as this.

Finally, Mr. President, I would like to state that the taxpayers bill of rights is an attempt to change the relationship in this year of our 200th anniversary of the Constitution, to make a relationship based not on fear but on respect.

I thank the Chair.

I yield back the remainder of my time.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his effectiveness and very generous remarks in my regard.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the time for morning business be extended 5 minutes under the same conditions as heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKS TO THE MAJORITY LEADER AND MRS. BYRD FOR SHARING THEIR ANNIVERSARY

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me start by also adding my thanks to the majority leader and his wife Erma for allowing us to join together last night in a show of respect and affection for them on their anniversary.

I do think it was not only a tremendous tribute to them but the clearest showing that I have seen in my time here in the Senate of the affection and bond that holds this organization together.

The Senate is always referred to as the greatest club in the world. I think last night was a clear sign that there is something to that. There is a bond of affection among the Members here which was heartening to see.

Mr. BYRD. Mr. President, let me thank the distinguished Senator from New Mexico for his very kind and gracious remarks. I am happy that he was able to share that evening with Erma and me.

AL UNSER

Mr. BINGAMAN. Mr. President, it is always a pleasure to praise people who are very good at what they do. This Saturday my home State of New Mexico and the city of Albuquerque will be praising publicly a New Mexican who is perhaps the best who ever lived at what he does, and that is drive race cars.

Al Unser last Monday won the Indianapolis 500 for the fourth time, something only one other man, A.J. Foyt, has ever done in the long 71-year history of the famed Brickyard. His fellow New Mexicans are proud of him and on Saturday his hometown of Albuquerque will honor him with a downtown parade and rally.

They call him Big Al in racing circles and he comes from the first family of big car racing. His brother Bobby has won the Indy 500 three times, and Al's son, Al, Jr., today ranks among the best of racing's new young generation.

But there is no driver in the world, young or old, who doesn't rank Al Unser at the very top of racing history. Another great driver, Mario Andretti, has said that in his opinion no driver has more "race savvy" than Big Al. Roger Penske, the owner of the car Unser drove to his fourth 500 victory on Monday, has said: "Al Unser just knows how to win a race * * *. You don't win this thing four times because you don't know what's going on."

Unser turns 48 today, and for 23 of those years he has gone to Indianapolis to race on Memorial Day. And he has logged some memorable miles in those years and left millions who have seen him race there or on television with vivid memories. He won his first Indy 500 in 1970, his next the following year, his third in 1978, and his fourth just last Monday. He is the oldest winner in the history of the race.

Today I wish to praise him publicly, to express my admiration for his truly magnificent skill, and to tell him how proud I am as a fellow New Mexican of him and the example of excellence he holds up for all the world to see.

He and his wife, Karen, will ride, much more slowly than he is accustomed to, in the parade in his honor in Albuquerque tomorrow. The mayor has proclaimed it "Al Unser Day," and will present him the keys to the city.

Mr. President, no man has shown by constant skill and accomplishment over the years in one of the most dangerous and demanding professions that he deserves it more.

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD. Mr. President, I have been discussing with the distinguished Senator from Texas, Mr. GRAMM, a time for a vote on the—Mr. President, why do I not wait until the Chair is able to close morning business.

THE 20TH ANNIVERSARY OF PHACOEMULSIFICATION

Mr. PACKWOOD. Mr. President, millions of people worldwide are likely to develop cataracts in their lifetime. While many will not require surgery, others—including myself—will find their vision and normal activity sufficiently impaired that they will undergo cataract extraction surgery. This is delicate microsurgery in which the clouded natural lens of the eye is removed. The incidence of cataract extraction surgery has increased from 333,000 in 1975 to an estimated 1 million today. Experts predict that it will continue to increase to 1.26 million by 1990.

A cataract occurs when the normally clear, transparent lens of the eye becomes cloudy, often obscuring vision. One of the several procedures surgeons use to remove cataracts is called "phacoemulsification." It is a small incision technique which uses ultrasonic vibration to break a cataract into fragments before suctioning it out of the eye through a hollow needle.

Exactly 20 years ago, Dr. Charles Kelman of New York City invented the first phaco-emulsifier in conjunction with a company called Cavitron, now known as Coopervision of Palo Alto, CA.

In life, you are privileged to meet maybe half a dozen people that you would regard as certifiably genius. Charlie Kelman is one of those people. In my life, I've been privileged to meet presidents of foreign countries, prime ministers, kings and queens, Nobel prize winners in literature, physics, chemistry, some of the great architects of our day, many of our renown authors and playwrights, and hundreds of others. In my judgment, there is no one—no one—who equals Charlie Kelman in stature nor anyone who has done more for the betterment of this world. He is quick. He is brilliant. He is witty. Most of all he is willing to give of himself beyond measure to help others. For all of this, his recompense is significantly less than many who have achieved but temporary notoriety in a flashout.

Through the years, Dr. Kelman and his colleagues in ophthalmic surgery have continued to collaborate to produce a steady stream of technology advancements that have revolutionized the world of cataract surgery.

Until recently, less than 20 percent of the Nation's eye surgeons performed the delicate "phaco" procedure. But, advances in the technology of foldable lenses designed to replace the natural clouded lens of cataract patients are today thrusting phacoemulsification into greater prominence.

As one of hundreds of thousands of patients who have had a "phaco" procedure done, and in light of the fact that my own surgery was performed by Dr. Kelman, I want to take the occasion of phacoemulsification's 20th anniversary to salute not only Dr. Kelman and Coopervision but also a host of other medical professionals who have played a part in advancing the art of ophthalmic surgery, especially this state-of-the-art cataract extraction procedure.

This week, when the American Society for Cataract and Refractive Surgery meets in Orlando, FL, a variety of activities will be organized to salute the 20th anniversary of phacoemulsification. Dr. Kelman will, of course, be given special recognition for his ongoing commitment to cataract surgery as will 23 other surgeons who have also made special contributions to advancing the art of phacoemulsification.

Much of the healthcare news we read about today focuses on advances in genetic science, biotech, miracle drugs and organ implants. Far too little recognition is given to our Nation's physicians and surgeons who are continuously working with corporate researchers and engineers to update and refine the many medical breakthroughs that happened only 10 or 20 years ago. Let us take this occasion to recognize contributions—such as phacoemulsification—which were breakthroughs several years ago but continue to provide the first steps toward the breakthroughs of tomorrow. I urge you to join me in saluting Dr. Charles Kelman, Coopervision, and the 23 "Masters of Phaco" on this the 20th anniversary of its invention.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the 23 surgeons who will be honored as "Masters of Phaco."

There being no objection, the names were ordered to be printed in the RECORD, as follows:

"MASTERS OF PHACO"

Robert Azar, New Orleans, LA
Charles Bechert, Fort Lauderdale, FL
Elliott J. Blaydes, Jr., Bluefield, WV
Henry Clayman, Miami, FL
Calvin K. Fercho, Fargo, ND
James Gills, Tarpon Springs, FL
John Gilmore, Santa Monica, CA
David Hiles, Pittsburgh, PA
Henry Hirschman, Long Beach, CA
Francis Hurite, Pittsburgh, PA
Norman Jaffe, Miami, FL
Leeds Katzen, Lutherville, MD
Charles Kelman, New York, NY
Oram Kline, Woodbury, NJ
Guy Knolle, Houston, TX
Manus Kraft, Chicago, IL
Richard Kratz, Newport Beach, CA
James Little, Oklahoma City, OK
Thomas Mazzocco, Van Nuys, CA
Donald L. Praeger, Poughkeepsie, NY
Steven Shearing, Las Vegas, NV
John Sheets, Odessa, TX
Robert Sinskey, Santa Monica, CA

SAMUEL WARD

Mr. PELL. Mr. President, I would like to call my colleagues attention to the importance of this day for Rhode Island history, especially for the town of Westerly, RI. For today marks the 262 birthday of Samuel Ward, who hailed from that lovely seaside community. His name graces many streets and places there, including Westerly High School, which was originally named in his honor. It is a special day because Samuel Ward, who would serve his State and Nation with utter distinction and constancy throughout his life, was a man whose illimitable virtue instructs each and every one of us.

Representative from Westerly to the Rhode Island General Assembly; three times Governor of Rhode Island; chief justice of the Rhode Island Supreme Court; prosperous farmer; devoted father of 10 children: Samuel Ward was a leading light in Westerly and the colony of Rhode Island.

As Governor during the critical Stamp Act period, he acted with decisiveness and wisdom and would later continue to judiciously exercise the gifts of character which fortune bestowed upon him to perform the signal duty of his life: Serving as Rhode Island's first delegate in 1774–76 to the fledgling Continental Congress in Philadelphia.

In March 1776, dying from smallpox in Philadelphia far from his beloved beachside farm in Westerly, he missed being a signer of the Declaration of Independence by only 4 months. But as the delegates affixed their signatures to that remarkable document in July, Sam Ward must have smiled down from Heaven. The following letter he wrote to his brother, Henry, 6 months before his untimely death gives us reason to believe thusly.

He penned from Philadelphia:

My dear brother, Heaven Calls us all to the arduous task. The Contest between the Countries involves a Question of no less Magnitude than the Happiness or Misery of Millions and when we extend our Views to future Ages we may say Millions of Millions; our Views therefore ought to be extensive, our Plans great and our Exertions adequate to the immense Object before Us; this course will surmount all Difficulties and land us in the beautiful safe and happy Regions of Liberty.

Although Samuel Ward did not survive to see the denouement of his life's work, the cause for which he labored with implacable fidelity endures on

this day, and, may we all hope, for countless millions to come—in Westerly, RI and, throughout the world.

DESTRUCTION OF THE OZONE LAYER

Mr. WIRTH. Mr. President, recently, the United States and countries around the world have focused on the problem of ozone and the discovery of a very large hole in the ozone in the southern atmosphere. This has raised, once again, concerns about CFC's [chlorofluorocarbons] their reaction in the atmosphere and their contribution toward the destruction of the ozone layer.

In response to this question, the United States has been involved with our allies, with other industrial nations in Europe and with Japan, in a series of very serious negotiations in Geneva, focused on how we might limit the production and the use of chlorofluorocarbons.

The State Department recently came up with a historic agreement to put a lid on the use of CFC's and to have CFC's slowly, over time, decline in their usage, thus allowing us to begin to protect the ozone layer, which is extraordinarily important to the survival of life on this planet. That agreement was reached, a historic agreement, one of which I think we are very proud.

Yesterday, it came to the attention of the American people that Secretary of the Interior Donald Hodel had recommended to the White House that that agreement be suspended—this, according to press accounts—that instead of this kind of "Government interference in the private sector," that instead of lowering the use of chlorofluorocarbons, what we should do is to issue to the people of the United States hats, dark glasses, and suntan lotion.

This is an extraordinarily irresponsible statement, if in fact it is true, for the Secretary of the Interior to make. If it were not so very dangerous, it would be humorous.

In the United States, we have policies related to clean air. If we were to follow logically what the Secretary of the Interior is alleged to have said, we would be issuing respirators to everybody in the United States to solve the clean air problem. To solve the clean water problem, we would be issuing bottled water to everybody in the United States. To cope with the problem of nuclear warfare, we would be issuing shovels to each American citizen.

It is imperative that the Secretary of the Interior clarify his position and let us in the Senate, let our colleagues in the House, and let the American people know what his position is and what the recommendations of the Department of the Interior ought to be. It is my hope that that clarification will make clear that Mr. Hodel was misquoted or that the position of the Department of the Interior was not made clear.

THE GREATNESS OF FORMER SENATOR HENRY JACKSON

Mr. BINGAMAN. Mr. President, on May 31, the family, friends and other admirers of the late Senator Henry M. Jackson will observe the 75th anniversary of his birth.

I am certain, Mr. President, that not a day goes by in the activities of this body that Scoop Jackson is not in some way recalled. His influence was so profound, his spirit so large that he will be remembered, as the poet says, "for aye." Still Mr. President, it is appropriate that we observe this significant day by noting Senator Jackson's great contributions to the Senate, the country and, indeed, the world.

We are reminded, too, of the affection and regard we have for his wife, Helen Hardin Jackson, and for their fine children. They have returned to Washington State and this city, where so many of their friends live, misses them very much. Our thoughts are with them as they acknowledge this special day.

Mr. President, over a century ago, Leo Tolstoi in his "War and Peace" wrote: "There is no greatness where there is not simplicity, goodness and truth." On the occassion of the anniversary of his birth, we recall the greatness of Henry Jackson in the fullness of the word.

IN HONOR OF SFC. DONALD R. MOYER

Mr. RIEGLE. Mr. President, the U.S. Army Reserve Center in Pontiac, MI, headquarters for the 2d Battalion, 333d Regiment, 2d Brigade (infantry), 70th Division (training), and C Battery, 4th Battalion, 20th Field Artillery will dedicate its Reserve center in memory of Sfc. Donald R. Moyer on June 13, 1987. Honored guests will be State and Army dignitaries and members of his family: his mother, Hazel E. Moyer, two brothers, Freeman D. Moyer and Frank B. Moyer and sister, Carol Pilkington. Col. Lewis L. Millett (retired), Medal of Honor recipient from the 25th Infantry Division, will be the keynote speaker to honor Sergeant Moyer's memory.

Sfc. Donald R. Moyer, a Pontiac, MI, native, Company E, 35th Infantry Regiment, 25th Infantry Division received the Medal of Honor posthumously for conspicuous gallantry above and beyond the call of duty in action against an armed enemy of the United Nations near Seoul, Korea, on May 20, 1951.

Sergeant Moyer's platoon was attempting to secure commanding terrain held by an enemy platoon, which was significantly larger than Sergeant Moyer's platoon. Advancing up a hill, the platoon withstood an intense enemy attack of automatic weapons, small arms, and grenades. Sergeant Moyer rushed to the front of his platoon, courageously took charge, and led the men forward. The enemy fire became even more intense, and the platoon was bombarded with grenades. One of the grenades landed amidst the group and Sergeant Moyer, fully aware of the impending consequences, threw himself on it. This selfless, but mortal act prevented many of his comrades from death or serious injury. Sergeant Moyer's fearless act also resulted in the takeover of the enemy stronghold.

Sergeant Moyer's bold, courageous act is an example of bravery and patriotism in the highest degree. Sergeant Moyer's life serves as a testament of one man's love and devotion to his country. During his 3 years of service in the U.S. Army, he gave fully of himself to his country, superiors, and fellow comrades

The United States is honored to have men and women of Sergeant Moyer's caliber serve in its armed forces. This dedication of the Reserve center to the memory of Sergeant Moyer is a well-deserved honor, one that generations of Americans to come will always remember and cherish.

U.S. POSITION AT INTERNATIONAL NEGOTIATIONS TO CONTROL CFC'S AND STRATOSPHERIC OZONE DEPLETION

Mr. CHAFEE. Mr. President, for quite some time, we have been grappling with one of the most important global environmental problems that scientists and policymakers must deal with; namely, depletion of the Earth's protective ozone shield and the need to control a class of chemicals known as CFC's or chlorofluorocarbons.

As recently as a few weeks ago, the United States and this administration in particular had reason to be proud of its position as a world leader in this area. At a recent series of international negotiations, the United States has been calling for an immediate freeze, to be followed by a prompt, virtual elimination of the production and use of ozone-depleting chemicals. That position has been and continues to be a sound public policy response to one of the most serious environmental problems threatening the world today.

Indeed, since the U.S. position was first approved by this administration last November, developments have all been in the direction of bolstering the scientific and technical underpinnings of the U.S. position. This has led the rest of the industrialized world to rapidly and somewhat unexpectedly move

in the direction of supporting the U.S. position as the most prudent and reasonable approach.

So what is the problem? The problem is the widely reported attempt by some within this administration, specifically Secretary Hodel and White House Science Adviser Bill Graham, to undermine the progress that has been made at the international talks. Recent reports of a "new" U.S. position urging people to wear more hats, sunscreen and sunglasses rather than cut back production of ozone depleting chemicals would be funny if it wasn't so serious. These latest suggestions are as absurd as the proposals in the early 1980's to classify ketchup as a vegetable in the school lunch program. They are as futile as having students hide under their desks in case of nuclear attack. This problem is not going to go away if we simply stick our heads in the sand, or in this case under hats and sunglasses.

Don't these people realize that only virtual elimination of these chemicals can provide adequate protection against the serious, perhaps catastrophic, consequences of increases in ultraviolet radiation? This is neither the time nor the place to let the rhetoric of "overregulation" obscure the facts. Is it overregulation to ban cocaine? Of course it is not. And it is not overregulation to curb CFC's that can substantially alter this globe of ours.

Testimony received by the Senate Committee on Environment and Public Works on May 12, 1987, revealed that most living organisms now exist at the outer limit of the ultraviolet radiation which they can tolerate and survive. Even slight increases in ultraviolet radiation could result in precipitous declines in the survival of plants and animals which form the bottom of the world's food chain. The same biological mechanisms which trigger injury and death in these organisms appear to suppress the immune systems of humans, leading to protential increases in cancer and other illnesses which could not be avoided by simple changes in lifestyle.

Those who question the causes and rate of ozone loss would be well advised to review the record from our hearings earlier this month. A number of interesting facts were presented by several panels of distinguished scientists who specialize in these issues.

First, current scientific models of ozone depletion and the use of global "averages" are probably underpredicting and masking the true environmental consequences of ozone depletion.

Second, the global freeze on production of CFC's that is being urged by industry and considered at the ongoing international talks would result in depletion of ozone layer. In fact, even the most stringent option being considered—a 50-percent reduction in harmful CFC's—is predicted to result in significant global depletion.

Third, the "hole" over Antarctica is actually an annual collapse over significant portions of the Southern Hemisphere, including the tip of South America.

Fourth, no one predicted the "hole" and we are risking similar collapses elsewhere.

Fifth, although more work needs to be done, chlorine from CFC's appears to be "the smoking gun" in Antarctica and, in the upper stratosphere, over the rest of the globe.

Sixth, in addition to the predicted and much publicized increases in skin cancer that will result from ozone depletion, we are likely to see more eye damage, suppression of the immune system, disruption of the aquatic food chain, reduced productivity in crops and damage to other plants and forests.

And seventh, on the basis of health and environmental effects, there is no "safe" level of ozone depletion.

Similarly, a Science Advisory Board's report on EPA's risk assessment document recommended:

> EPA should clearly and forcefully state that, by the time it is possible to detect decreases in ozone concentration with a high degree of confidence, it may be too late to institute corrective measures that would reverse this trend.

Those who argue that a mere freeze on production of CFC's at current levels is enough should consider these numbers: The average amount of chlorine found in the atmosphere today is 3 to 4 parts per billion. With that low level, we are experiencing a collapse of ozone over the Southern Hemisphere each October and we have seen global depletion in the upper stratosphere. No one predicted the Antarctic hole and, at current emission rates, we are risking a global ozone collapse. With a freeze, the 3 to 4 parts per billion will rise to about 9 parts per billion and cause up to 16-percent depletion at high latitudes in 50 years.

Without proof that such a basic, manmade change in our atmosphere is safe, a freeze by itself is unacceptable and irresponsible.

On May 12 of this year, the Atlanta Constitution ran an editorial that summed up the problem. It said, in part:

> Just this once, the Reagan administration was proudly out in front on an environmental issue, one of potentially cataclysmic dimensions * * * the thinning of the Earth's protective ozone layer. * * *
>
> Suddenly, the stout U.S. stand in U.N. sponsored bargaining * * * lost all its starch. * * *
>
> The U.S. position, alas, was undermined by pressure from a CFC's industry group and from second-level Reagan appointees who adhere to ideas on safeguarding the planet's ecology that would have received a hospitable hearing from Attila the Hun. * * *

After mentioning the Senate hearings, the editorial concluded by saying:

> It won't be enough for the Senators to reveal how antienvironmentalist zealots and special industrial pleaders managed to derail an admirable Reagan administration initiative; they ought to determine whether, if at all possible, the agreement offers any openings to get the effort back on track.

I am concerned about what was happening in our Government during March and April—leading up to the meeting in Geneva—but I am even more concerned about what may be happening now, before we go back to the negotiating table.

I would have thought that the next step was an easy one. The most stringent option in "the Chairman's text" that emerged from the last Geneva meeting is a semiautomatic 50-percent reduction in CFC's. The United States has been advocating an automatic 95-percent phaseout.

How on Earth can the United States now justify any position other than one that advocates the most stringent option available? Particularly since an international panel of scientists has shown that even the 50-percent reduction will produce a 5- to 10-percent loss of the ozone layer between the years 2050 and 2060. On that basis, the United States should not retreat from its original position on this important matter.

How these issues are resolved will obviously affect the health and well-being of our planet. Not so obvious is the effect it will have on the leadership role of the United States in the world today and on our ability to negotiate in the future.

The leadership which the administration and its officials, especially Lee Thomas, have shown on this matter has been a source of pride to those of us who serve in the Congress and we sincerely hope that we will continue to be in a position to cite this as an example of responsible, thoughtful protection of human health and the environment.

It is time for the President to take control of this issue and to support the experts at the Environmental Protection Agency who have been struggling with this issue for years. Those within the administration who are newcomers to the issue should limit their advice to their areas of expertise and stop embarrassing the United States and the President.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

SUPPLEMENTAL APPROPRIATIONS, 1987

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will resume consideration of H.R. 1827, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1827) making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Dole Amendment No. 247, to provide a rural focus and funding for the National Commission on Agricultural Policy and funding for the National Commission on Agricultural Finance.

(2) Helms Amendment No. 248, to provide that none of the funds provided by the Act for the emergency provision of drugs determined to prolong the life of individuals with Acquired Immune Deficiency Syndrome (AIDS) shall be obligated or expended after June 30, 1987, if on that date the President has not added human immunodeficiency virus infection to the list of dangerous contagious diseases contained in Title 42, Code of Federal Regulations.

Mr. BYRD. Mr. President, would the Chair state for the information of the Senate the order of yesterday as to the precedence of actions today.

The PRESIDING OFFICER. At this time, the Senate was now to dispose of the Dole amendment. And then, under the previous order, the Senator from Louisiana was to be recognized to offer a motion to waive the Budget Act. Following that, the pending question is on Amendment No. 248, the Senator from North Carolina's amendment.

Mr. BYRD. I thank the Chair.

Mr. President, the distinguished Republican leader is, of necessity, away at this hour. He and Mr. HELMS and Mr. SANFORD are attending an important function in North Carolina and will be back in the Senate, I was told by Mr. DOLE last night, circa 11:30, 11:45 a.m. today.

I ask unanimous consent that the pending amendment of Mr. DOLE's be laid aside until the disposition of the amendment by Mr. HELMS. This will accommodate the Republican leader so that he can be back in the Senate at the time his amendment is disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I will not put the following request momentarily. Now that this new request has been agreed to, I assume that we revert to the status in which Mr. JOHNSTON would make his motion to waive, am I correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I will yield the floor then for that purpose.

I should state, however, for the information of all Senators, that I have discussed with Mr. GRAMM the setting of a vote on the motion by Mr. JOHNSTON. I have suggested to Mr. GRAMM that we set that vote for 11:40 a.m. today. This would accommodate again Mr. DOLE, Mr. HELMS, and Mr. SANFORD. And, under the order of yesterday, I think Mr. GRAMM has it within his power to set that vote because the agreement was, that there would be 30 minutes equally divided on Mr. JOHNSTON's motion but that Mr. GRAMM could have as much time as he desired. He indicated to me this morning, and he is here on the floor, he indicated—I would rather yield to him and let him state his position.

Mr. GRAMM. Will the distinguished majority leader yield?

Mr. BYRD. Yes, I yield.

Mr. GRAMM. Mr. Leader, as you know, there are several people who are trying to get back to be sure they are here for the vote. As of now, it is assumed that they would be. I would like to go ahead and comply with the request of the distinguished majority leader to set the time at 11:45 with the understanding that if something came up and we needed to extend it that at least the two of us would be agreeable to that.

Mr. BYRD. I would like to inquire of the distinguished Senator from Louisiana and the Senator from Mississippi what their feeling is in this regard.

Mr. JOHNSTON. Mr. President, I would certainly be willing to go along with any request to extend that time so that our North Carolina travelers could be accommodated.

Mr. BYRD. I thank the Senator.

Mr. EXON. Will the majority leader yield for a question?

Mr. BYRD. Yes.

Mr. EXON. I am sure there is important business going on in North Carolina. I would simply point out that the most important business that this Senator is concerned about is the holdup of the Commodity Credit Corporation funds that farmers in Nebraska and elsewhere around the United States have been, first, patiently and now impatiently waiting for this body to act on.

It was my understanding last night—and maybe I understood incorrectly—that we were to go on this bill at 10 o'clock and have a vote shortly thereafter. Whether or not that was changed after I left the floor, I would only go along with what I have heard this morning.

My particular question is: With further delays on a bill that should have been passed a long time ago, especially with regard to the Commodity Credit Corporation, what are the possibilities and what are the plans for holding the Senate in session as late as possible today and possibly a session tomorrow, if necessary, to complete action on this bill? It is a vital matter.

Sometimes we spend so much time accommodating Senators, as this Senator pointed out last week about this time on this bill. Another whole week has gone by and we are dilly-dallying. I understand we have to do some dilly-dallying in this body to get things done. As far as the farmers are concerned and the Commodity Credit Corporation, dilly-dallying is way past time.

When are we going to complete action on this bill under all the various arrangements that have been made with all the various Senators who have all kinds of business elsewhere rather than being here in the U.S. Senate?

Mr. BYRD. Mr. President, first, let me in responding say that I admire the distinguished Senator from Nebraska for his tenacity and his dedication to the cause of the farmer and, always number one, the cause of his constituents. He is loyal to them. He is effective in his representation of them. I fully am sympathetic with his expressed concerns.

Having said that, may I say that I do not believe the Senate is dilly-dallying. I share the Senator's special concern that the Senate was delayed. We were not able to get the waiver that we sought at the beginning some days ago. That is what delayed the Senate from the start. But once we had taken it up in the second instance, it has moved along very well except for Monday when a good many Senators were not here—the Senator from Nebraska was here. It was a little slow going on Wednesday. But before the end of the day, I think, we caught up rather well with 5 or 6 rollcall votes on amendments.

I talked to the Republican leader last night and he said, "Do not hold up the vote for me. If you are going to have the vote before I get back, go ahead and have it."

So the Republican leader is not holding up the Senate.

Nor did Mr. HELMS, nor did Mr. SANFORD ask that the vote be held up. But they are returning, as I understand, around 11:40 or 11:45.

I think in this instance we ought to accommodate the leader, even though he did not ask.

Now to directly answer the question as well as I can, I truly expect to finish action on this bill today. I cannot guarantee this. But the staffs, the managers, and Members have been diligent in their work of yesterday and the day before. I have good reason to believe that this bill is going to be passed before the day is over and I do not believe we will be late getting out of here.

Mr. EXON. I thank my majority leader very much for his statement. I hope we can all work cooperatively together despite absences to accomplish that at the earliest possible date, hopefully this afternoon. But if it is

not completed, I will say that this Senator will be here as late as midnight tonight or thereafter if the majority leader wants to keep us here to complete work on this bill, which I hope he will.

Mr. BYRD. I am sure the Senator will be here as late as necessary to help the majority leader.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, first of all, let me echo the concern of the Senator from Nebraska [Mr. EXON] and say that I fully expect that we will finish this bill not only today but early in the afternoon. Certainly, if we will diligently stay on our work as the Senator from Oregon and I and others intend to do, we will do just that. The only real danger, of course, would be if we do not pass the budget waiver. Then we would have to go all the way back and start all over again in the House of Representatives. That has been clearly announced by the majority leader. That is the intention of those on this committee, Senator STENNIS and others. That is the only thing we can do. That would be a real delay and a real tragedy for those who need the CCC funds, who need medical care, who need all of the other things provided urgently by this bill.

Mr. President, I think we can tend to other matters. There is a Melcher amendment which should be very quick, I would think. Senator HELMS is also in North Carolina, and he has an amendment. There are other matters that we can tend to. I think there is a Metzenbaum colloquy that has to be tended to. I think all of that can be done.

I would expect that perhaps the thing to do would be, after the motion to waive the Budget Act is made, to temporarily set that debate aside and consider perhaps the Melcher amendment, getting as much work out of the way as we can.

Mr. President, if the majority leader is ready for me to make the motion on the Budget Act, I will do so at this time.

Mr. BYRD. Yes.

Mr. JOHNSTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSTON. Has the point of order been made?

The PRESIDING OFFICER. Yes.

BUDGET ACT WAIVER

Mr. JOHNSTON. Mr. President, I move to waive sections 302(f), 303(a), and 311(a) of the Budget Act as amended, in the consideration of the 1987 supplemental appropriations bill H.R. 1827.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana, on which there is 30 minutes of debate equally divided.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that this matter be temporarily laid aside in order that the Senator from Montana [Mr. MELCHER] may be recognized to offer an amendment, if he desires to do so.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I believe that the distinguished Senator from Texas is agreeable to setting the time for the vote on the motion to waive at 11:40, with the understanding that if Senators wish an extension of that time it could be arranged.

Mr. President, temporarily I will withhold the request.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded,

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF AMENDMENT NO. 248

Mr. HATFIELD. Mr. President, on behalf of the Senator from North Carolina [Mr. HELMS] who has sent an amendment to the desk, I have cleared a unanimous consent request I am about to make with the comanager of the bill, the Senator from Louisiana [Mr. JOHNSTON]. Senator HELMS had made a request regarding his amendment that is pending at the desk, which shows a threshold date of June 30, 1987, that date be changed to August 30, 1987.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on the waiver motion by Mr. JOHNSTON occur at 11:40 a.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, in order to allow our minimum of 30 minutes of debate, I think we should probably also move to return to debate on that issue not later than 11:10 a.m., in case we are dealing with the Melcher amendment or other business at that time.

Mr. BYRD. Mr. President, I make that request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside in order that the Senator from Florida may propose a sense-of-the-Senate amendment.

The PRESIDING OFFICER (Mr. FOWLER). Without objection, it is so ordered.

AMENDMENT NO. 249

Mr. GRAHAM. Mr. President, I send to the desk a sense-of-the-Senate amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 249.

At the appropriate place, insert the following:

It is the sense of the Senate that such expenditures in H.R. 1827, the Supplemental Appropriations Bill, as finally passed, as exceed the requirements of the Budget Act shall, during this calendar year be offset by rescissions of expenditures, or programs or reductions thereof or by other legislative action sufficient to provide such funds.

Mr. GRAHAM. Mr. President, I share the concern of many of our colleagues that in this first, important supplemental appropriations bill action taken during this Congress, we are adding to the deficit of the U.S. Government.

I believe that the No. 1 domestic priority of this Congress should be to bring our Federal fiscal house into order and to do so as rapidly as possible. We are dealing with a bill which contains commitments such as personnel expenditures and retirement costs that are in the nature of contractual obligations, important programs for American agriculture which must go forward.

I believe it is appropriate, therefore, that as we take necessary action, we also commit ourselves to subsequent necessary actions to bring this into balance. I am suggesting that we commit ourselves, in the remainder of this calendar year, to allow us the remainder of time in the current fiscal year and the first 3 months of the next fiscal year, to take such steps as are necessary, focusing on recission of

expenditures, program reductions, or other legislative action which will be necessary in order to bring the action which I anticipate we will take today, or shortly thereafter, into conformity with the Budget Act, and not to add to the Nation's deficit.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JOHNSTON. Mr. President, the Senator from Florida has been a leader in containing the size of this deficit. He has been constant in reminding us of that. I think his amendment is very salutory in putting the Senate on record as needing to offset the amount by which this exceeds the Budget Act. Therefore, we will accept the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, as comanager of the bill, I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Florida? If not, the question is on agreeing to the amendment.

The amendment (No. 249) was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I think we are ready to commence the debate on the waiver of the budget resolution.

The PRESIDING OFFICER. Under the previous order, the Senator from Louisiana [Mr. JOHNSTON] is recognized to offer a motion to waive the Budget Act, and the motion has been made.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

BUDGET ACT WAIVER

Mr. JOHNSTON. Mr. President, the pending motion is to waive the Budget Act in order to consider the supplemental appropriations bill.

There are three essential points to consider as we consider this waiver.

First, this is a Presidential request. This urgent supplemental appropriations bill began with the Presidential request. Actually, it was very much larger, I think larger by $2 or $3 billion than that finally approved either by the House or by the Senate.

It is important to also remember that the Senate in the process of the consideration of this bill rescinded and cut some $3 billion in existing programs. So the Senate Appropriations Committee has scrubbed all of the fat out of as many programs as was possible to do after very much consideration.

After the bill was in its final form in the Senate Appropriations Committee and before its final passage, I publicly asked what the President's position was on the bill as it then stood because I wanted to make crystal clear that the President continued to support this bill as ready to be reported at that moment.

The debate continued in the Senate Appropriations Committee, and about 30 minutes later the word came back through the White House representative that the President approved this bill as it was then about to be reported with all of the amendments and that he would sign that bill.

That is important for every Senator to remember, Mr. President, because there is not one amendment which is attached to this Senate bill which is an anathema to the President, which is veto bait, which is one that he will not accept as part of this bill.

Second, it is important to remember that this is a bipartisan bill. In addition to having requests by the President and an OK by the House, it is also bipartisan. In the Senate Appropriations Committee both Democrats and Republicans overwhelmingly approved this bill.

Third, Mr. President, it is essential to remember that this is an urgent supplemental. There is no alternative to this supplemental.

I previously pointed out that CHAMPUS funds providing medical care for our people in the Armed Forces who do not have access to military hospitals to the tune of $425 million are provided in this bill. The first week in July those funds run out. So that means if we do not provide the funds, Mr. President, there will either be no pay for the doctors and hospitals which would be requested to provide the care, or there is no medical care for our people in the Armed Forces.

Mr. President, we simply cannot allow this to be done because unfortunately sickness goes on in spite of the rules of the Senate, the Budget Act, and the requirements of the Gramm-Rudman-Hollings law.

The pay and retirement to the tune of some $1.5 billion as provided in this bill, Mr. President, unless provided, will work to have furloughs and mass firings throughout the Government. I read a list yesterday and put it in the RECORD. It is in today's CONGRESSIONAL RECORD, but you go right through the departments of Government from the Office of Economic Advisers, the first one here, 95 furloughs; Office of U.S. Trade Representative—we are supposed to try to get our trade deficit down—168 furloughs, and these figures come from the Office of Management and Budget. Go down to the Department of Labor, here is 392 in one department, 2,156 employees furloughed in another, 1,909 employees furloughed in another department; Department of Justice, 30,000 furloughs, and so on down the list, Mr. President.

So, let no one mistake what the result of not approving this bill is. The functions of Government will in part come grinding to a halt, employees by the tens of thousands will be furloughed, and the finger will be pointed directly at the Senate should we take such rash action.

Mr. President, we also pointed out that there is $32 million for the implementation of the new Immigration Act, $38 million for IRS agents to collect additional taxes, the CCC for our farmers, $6.7 billion, which makes up over half of the bill; there is also emergency disaster loans to the extent of $155 million.

Mr. President, this is an urgent supplemental. There is no alternative to it. We have saved as much money as is possible to save. We are in the last few months of the fiscal year. The Senate must act, Mr. President. We must waive the Budget Act in order to approve this urgent supplemental as requested by the President of the United States.

I reserve the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas, the minority designee for the control of the time.

Mr. GRAMM. Mr. President, we have heard once again, perhaps given a little more effectively than usual, the same old siren song that has led us down the path to a $2.4 trillion debt imposed on the backs of the working men and women of America, and again we hear those old voices that the world is coming to an end if we do not add $2.6 billion today to the Federal deficit.

Now, it is hard in beginning this debate, Mr. President, to know where to begin because I think one of the things that happens in these endless debates is that people lose their ability to be outraged. I submit that to be talking about an emergency appropriation, an emergency supplemental, to say that we have scrubbed all the fat out of it and then to be debating this bill is nothing short of an absolute outrage.

Now I have during this debate on many occasions gone through and outlined provisions in this bill that do not represent emergency measures, provisions that represent expenditures for which there has been no peer review,

that represent nothing more than simple pork barrel politics as usual.

What I think is especially offensive here is that this is jeopardizing the great progress we have made since 1981. We have brought the inflation rate down from double-digit levels to a standstill. We have cut interest rates by two-thirds; 11.2 million more people have gone to work. But all of that is in danger today.

We debate this bill as if politics as usual should be allowed to prevail today when all of the progress of the last 7 years is called into doubt, when there is great danger on the horizon; as if Members of this great deliberative body do not realize that interest rates are rising again, that housing starts are falling, that progress we have made in rebuilding the American economy is being jeopardized, that inflation is beginning to rise.

And here we are with business as usual with another bill that does these kinds of emergency things: Gives $1 million to Poland, to the Solidarity Union. How much we all respect the Solidarity Union is clear. We already provide support for the Solidarity Union. But does anybody here really believe that that is an emergency; that we ought to raise the deficit today to provide money to Poland?

We have here more money for the Peace Corps. We are already funding the Peace Corps Program, but we have a supplemental for the Peace Corps. Now, I am a big supporter of the Peace Corps. But does anybody here really believe that this is an emergency matter or, if it is an emergency matter, does anybody believe that we could not have found an offset to it?

Now I know the distinguished Senator from Louisiana is sincere in what he says. But I want to be sure that people understand exactly what the facts are, or at least looked at from a different perspective.

The President of the United States has not endorsed this bill. The White House said, in a negotiation during committee markup, that, if there were no arms control language on the bill and no additional spending programs added, the President would sign it. There are provisions in this bill the President opposes. If he had the line-item veto, he would veto those provisions. And the President does not support—and I repeat because I just talked to the Director of the Office of Management and Budget—the President does not support this budget waiver.

Finally, one point is conveniently left out in the comparison between the bill we have before us and the bill proposed by the President, and that is that the President's proposal did not raise the Federal deficit. Now you can say you oppose the offsets the President provided. You could say there was no support for them in the committee. But the point is that the President's supplemental did not raise the deficit while this supplemental raises the deficit by $2.6 billion.

Does anybody believe that the funds provided for the U.S. Congress in this bill that raise the deficit represent an emergency? Despite the fact that we take money away from rebuilding the front of this great building to give it to Congress to spend, Congress still spends another amount twice that above the offset so that the deficit is raised. Is that an emergency matter? Could we not find some lower priority item we are doing and cut it?

How many people here believe that it is an emergency matter that we provide $31 million for an offset through the economic support fund as part of foreign aid? Let me explain that to you. A lot of people do not understand the economic support fund. The economic support fund is money we pay out, in this case to foreigners, to offset the decline in the value of the dollar. The value of the dollar has gone down. This is an emergency supplemental to give foreigners $31 million to offset the impact in the decline in the buying value of the dollar.

I searched in vain to find in this bill where we give money to the American consumer to offset the decline in the value of the dollar. In fact, we are taking money from the American consumer, who has suffered the decline in the value of the dollar just like foreigners who are beneficiaries of the Federal Government, and we are going to take their money through borrowing it, driving up interest rates, denying their children the future that we could have for America, to allow recipients of our foreign aid to escape the impact of the decline in the value of the dollar. Now maybe this is a good program. But I doubt anybody can argue that it is an emergency.

I do not want to get into embarrassing anybody in telling you where all these things are but, since the distinguished Senator said we had scrubbed all the fat out of this bill, I just want to talk about a few little sausages here and there to make my point and then I will close out.

We see here buildings and new research facilities at universities where there has been no peer review whatsoever. Just a simple add-on. Does anybody here believe that building a building to conduct weed science research is an emergency? Does anybody here believe that building a building—they cannot do any research in the building because it cannot be built until we are in the fiscal year—that it is an emergency that we start right now? Of course not. Nobody believes that.

Does anybody believe it is an emergency that we have a research facility to study the milling of flour—we have been milling flour for 5,000 years and the Government has never done it effectively. Whenever a nation has had adequate food, it has been thanks to the private sector of the economy. Does anybody believe that an add-on of research funds to study how to mill flour is an emergency? Of course not. Nobody believes that.

Does anybody believe that the establishment of an international trade development center at one of our great State universities, without peer review as to whether it should go to that one or some other one that was not fortunate enough to have a member on the committee, is an emergency? I do not think people think that is an emergency.

I wonder if people think providing money to 16 States for 26 wildlife refuges is an emergency.

I was proud yesterday to have my new duck stamp pin on. I believe in protecting wildlife. But I think we ought to be thinking about protecting the lives of the working men and women of this country and their well-being when we are running a deficit.

Does anybody believe that starting a new wildlife refuge in one of our beautiful States is an emergency; that we have to do it today; that the world is coming to an end if we wait until next year?

Does anybody believe that if we want to go out and dig up bones of prehistoric man—and I have talked to the President of the National Archeological Association about this—but does anybody believe that if this is really a golden opportunity for historic preservation, that we cannot find money from some other use to pay for it, that we ought to be adding on money in an emergency supplemental for going out and digging up the bones of people who have been buried thousands of years?

I could go on and on and on. But the point I want to make is that I guess we debate these issues for so long that we lose our ability to be outraged. In fact, there is great pride, it seems to me, among some that this bill is not worse. And I admit it. There are a lot of bills that we pass here that are worse than this bill.

But is this the best we can do, when interest rates are rising, threatening the progress of the last 7 years, progress that we paid for in terms of denying services to people through budget restraint, progress we paid for with hard unemployment in 1981 and 1982?

Given all that, is it worth risking that for the kind of projects I have outlined here today? I submit it is not.

This is not the first time we have addressed these issues. I saw this coming a long time ago. In fact, I offered an amendment on April 9 to the distinguished majority leader that was related to the homeless bill, and that has

subsequently been applied, exactly the same amendment, to agriculture disaster payments. Not the big add-on which has nothing to do with raising the debts, which we have already spent, but an additional expenditure. On both of those bills, we authorized the expenditure of money.

So I offered this amendment. I want to read it, because I want to remind my colleagues they voted on these two amendments.

Appropriations made pursuant to this authorization shall be made in accordance with the provisions of the Congressional Budget and Impoundment Control Act, as amended, which prohibits the consideration of any bill which would cause the deficit to exceed the levels established by the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings) such that it shall not increase the deficit of the United States Government for fiscal year 1987.

This amendment saying we would not increase the deficit of the U.S. Government for fiscal year 1987 was offered on the disaster bill related to agriculture and on the homeless bill, and by a vote of 100 to 0 in one case and 96 to 0 in another case we said, "No, we are authorizing the money but when it comes time to pay for it we are either going to take it away from somebody else or we are going to raise taxes."

Everybody remembers that. Everybody remembers the vote. Everybody is on record, except in one case four people who were not here.

I want my colleagues to understand that in the bill we have before us, despite the 100 to nothing vote saying we would not do it, we are raising the deficit by $135 million under the first bill when we voted 100 to 0 saying we would not do it. We are doing it in this bill. And on the second bill, the homeless bill, we are raising the deficit by $97.5 million.

What happened to the resolve? Where did it go?

Well, what happened to it is those were popular votes. Everybody went back to their States and said, "I am outraged by the deficit and I voted to authorize these programs but I said we are not going to raise the deficit."

Well, today we are going to vote on whether we are going to raise the deficit because this bill raises the deficit on those two bills.

The issue here is this: If the work of the committee and the difficulty of going back into committee and taking out all of these add ons is more important to you than the strength of the American economy, then you want to vote to waive the Budget Act.

This was driven home to me the other day when a representative of an African country came to lunch with some of us and talked about what an honor it was to be with the greatest deliberative body in the world.

If we vote to waive the Budget Act here, we are saying we want business as usual.

On the other hand, if you are serious about the deficit, if you want the economy to stay strong, this is an opportunity to stop $2.6 billion and force this committee to go back and do the job right.

The PRESIDING OFFICER. The time of the Senator has expired.

[Applause in the gallery.]

The PRESIDING OFFICER. The gallery will remain quiet.

The Sergeant at Arms will ensure order.

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I need about 30 seconds to make two points.

First, Mr. President, the President's own supplemental budget was not deficit neutral. Even as scored by OMB it was $1.1 billion not deficit neutral.

Second, the Senator mentioned a lot of things about wildlife refuges, for example, that were not emergencies. They were, in fact, emergencies, caused by flooding, caused by erosion. For example, in the Hagerman National Wildlife Refuge in Texas, fields, terraces, bridges, roads were almost completely destroyed. This is money requested for that.

Mr. President, I yield to the distinguished Senator from Mississippi, the chairman of the full committee, such time as he may require.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. I thank the Senator. I will not use very much time.

I will say to Members of the Senate that this bill represents a great deal of work, days and days of it, by the members of our committee who are experienced in this field. I know, too, that the President of the United States, being very honest and honorable about it, requested a number of the items that are in this bill. I know of his interest in it because his representatives called me up and talked to me about it, explained it, outlined, giving their reasons why these matters are needed. Do not be mistaken about it. I have been at it for a number of years, this matter of supplementals.

I tell you, it does not sound too good because matters do not please one member. It goes to the matter of pork barrel. That is a kind of semi-curse word in debating about money matters. But this is another time. Here is the President of the United States who wants a bill. Most of the Membership here want a bill to meet these deficiencies.

I refer to matters like the CCC funds that we have discussed backward and forward, cash money that we have made available for the farm programs; the Federal Employees Retirement System being short of money and has to have at least $1.2 billion. That is in this bill. There is the civilian pay for CHAMPUS military medical programs, $425 million, I believe it is, which is in this bill.

That is not chicken change. It is not chatter. These are realities of life. The need is there. We are the only power under our system of government that has the ability and the power to supply this money. It has been discussed, it has been memorized, almost, it has been debated, and the time comes when we have to act.

As I say, the average person on this committee has worked on it over a period of years. There are many reasons here for them to be proud of being able to put together a bill such as our committee has done.

I do not take credit for it myself, but I know what they have done. Now is the time to act. There has been a time to talk and now is the time to act on this bill.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 1 minute remaining. The Senator from Texas has 2 minutes remaining.

The Senator from Texas.

Mr. GRAMM. Mr. President, we heard about a wildlife refuge in Texas where obviously they had too much rain and bridges washed out, roads washed out, and they want to get in and repair them. The obvious implication is we have to raise the deficit because the Lord let it rain too much. But what happens in the average American home when something unexpected happens? The average American worker makes about $18,000 a year. What happens if Johnny, running through the house, falls and breaks his arms? What do they do then?

Well, they do not raise the deficit. They do not print money through the Federal Reserve Bank. They do not have the right to do that.

They sit down around the kitchen table and look at their budget. They decide that they will not be going to the movies, and that though they were going to go to the beach for the early summer they cannot do it. They take the boy to the hospital. They know they will come up with the money. They get his arm set and get a bill for roughly $300. I know because my Johnny did the same thing.

They come up with a way of paying for it. They come up with a way of paying for it by looking at their budget and finding something that they wanted to do that is important, but it was not as important as Johnny's arm.

The President proposed $5 billion of rescissions that were rejected by this

committee. Maybe some of them should have been rejected, but in the case of some of the items here, if we really are serious about these items, if they really are critical, could we not, in a $1,010,000,000,000 budget, find $2.6 billion to offset? I submit we could.

The issue here is not this bill or no bill; the issue here is are we going to raise the deficit by $2.6 billion or try it again? I say let us try to do it again.

The PRESIDING OFFICER. The time of the Senator from Texas has expired. The Senator from Louisiana has the floor.

Mr. JOHNSTON. I yield the remainder of the time to the Senator from Florida [Mr. CHILES].

The PRESIDING OFFICER. The Senator from Florida has 1 minute and some seconds.

Mr. CHILES. Mr. President, I think this bill is a reasonable one. The bill would spend $2.6 billion above the current level in budget authority and outlays. For the purpose of contrast, the House bill would spend $3.1 billion in outlays and $3.7 billion in BA. Although we have increased budget authority by $326 million we have actually reduced outlays during the course of debate on this bill by $7 million. I think we have done an admirable job in holding down spending. Certainly, this cannot be considered a Christmas tree bill by any standards.

The President's proposal was for an increase in spending of $7.2 billion in budget authority and $3.6 billion in outlays. He proposed to only partially fund the 3 percent pay increase Congress agreed to last year and the other things that we have before us. He proposed rescissions of $5.8 billion in budget authority and $1.1 billion in outlays to offset his supplemental, but this year as in previous years, these rescissions were not agreed on by Congress. In total, the President's package was not deficit neutral; the net cost would have been $1.6 billion in outlays.

Another $4 billion of so-called savings was prepayments of foreign military sales loans. Those are not real savings. Everybody knows that.

Mr. President, I think we should grant the waiver. I think under the circumstances, the Appropriations Committee has done a good job.

The PRESIDING OFFICER. All time has expired.

The question occurs on agreeing to the motion of the Senator from Louisiana to waive the Budget Act.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana to waive the Budget Act.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent on official business.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I also announce that the Senator from Virginia [Mr. WARNER] is absent on official business.

I further announce that, if present and voting the Senator from South Carolina [Mr. THURMOND] would vote "nay."

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted: yeas 55, nays 34, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—55

Adams	Garn	Nunn
Bentsen	Graham	Packwood
Boren	Grassley	Pell
Breaux	Harkin	Pressler
Bumpers	Hatfield	Pryor
Burdick	Heflin	Reid
Byrd	Heinz	Riegle
Chafee	Inouye	Rockefeller
Chiles	Karnes	Sanford
Cochran	Kerry	Sarbanes
Conrad	Lautenberg	Sasser
Cranston	Leahy	Shelby
D'Amato	Lugar	Specter
Daschle	Matsunaga	Stafford
Dole	McClure	Stennis
Durenberger	Melcher	Stevens
Exon	Mikulski	Weicker
Ford	Mitchell	
Fowler	Moynihan	

NAYS—34

Armstrong	Hecht	Proxmire
Baucus	Helms	Quayle
Bingaman	Hollings	Roth
Bond	Humphrey	Rudman
Boschwitz	Johnston	Simpson
Cohen	Kassebaum	Symms
Danforth	Kasten	Trible
Dixon	Levin	Wallop
Dodd	McCain	Wilson
Domenici	McConnell	Wirth
Gramm	Metzenbaum	
Hatch	Nickles	

NOT VOTING—11

Biden	Glenn	Simon
Bradley	Gore	Thurmond
DeConcini	Kennedy	Warner
Evans	Murkowski	

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 34. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to waive is rejected.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion was rejected, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:30 P.M.

Mr. JOHNSTON. Mr. President, I move that we stand in recess until the hour of 1:30 p.m. today.

The motion was agreed to and, at 12:42 p.m., the Senate recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MELCHER).

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The pending question is the motion to reconsider the vote by which the motion to waive certain provisions of the Budget Act was rejected.

Mr. BYRD. Mr. President, under the circumstances if the time on the waiver had run, would the motion to reconsider be debatable?

The PRESIDING OFFICER. The motion to reconsider is not debatable.

Mr. BYRD. I thank the Chair.

Mr. President, I have discussed this matter with the distinguished Senator from Louisiana. We are of the opinion that if we can get unanimous consent to delay a vote on the motion to reconsider until next week, and if we could go ahead with other parts of the bill today—Senator DOLE has an amendment which would be before the Senate following the amendment by Mr. HELMS—if we could proceed and perhaps get some progress made, it would be very agreeable to Mr. JOHNSTON and myself. We would hope we can do that.

We still have not had an opportunity to discuss this with the distinguished Republican leader.

RECESS UNTIL 1:46 P.M.

Mr. BYRD. Mr. President, if Mr. JOHNSTON is agreeable, I ask unanimous consent that there be a 15-minute recess.

There being no objection, the Senate, at 1:31 p.m., recessed until 1:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SHELBY).

Mr. BYRD. Mr. President, the distinguished Republican leader, and Mr. GRAMM and Mr. JOHNSTON, Mr. STENNIS, and others and I have been discussing the matter. I do not believe it will be possible, based on the reactions that I have gotten thus far, to proceed with the Helms amendment this after-

noon. I hope that it will be possible to proceed with the amendment by Mr. DOLE and the amendment by Mr. MELCHER, the amendment by Mr. METZENBAUM, and others, however. Momentarily, I shall seek unanimous consent to postpone further consideration of the motion to reconsider until next Tuesday.

UNANIMOUS-CONSENT REQUEST—H.R. 1451

Mr. MATSUNAGA. I ask unanimous consent that H.R. 1451 be jointly referred to the Committee on Labor and Human Resources and the Select Committee on Indian Affairs, with the understanding that the Select Committee on Indian Affairs will limit its consideration to section 41 of the bill and that this joint referral does not set any precedent for future referrals of bills pertaining to the Older Americans Act.

Mr. BYRD. Mr. President, this request, I regret to say to my beloved friend, has not been cleared on both sides of the aisle. I regret that I shall have to object.

The PRESIDING OFFICER. The objection is heard.

Mr. BYRD. Mr. President, Senators have been told by the majority leader, who keeps his commitment, that there will not be rollcall votes on Mondays. But in return for that assurance, I have expressed the hope that we could have rollcall votes on Tuesdays and that Fridays would be full days of work. I have not told any Senators today that we will not have more rollcall votes this afternoon. Any Senators who leave, take their own chances. They have to make that decision. If they want to leave, and run the risks of missing rollcall votes, that is their business. I made the commitment for Mondays for the convenience of Senators who have to travel long distances on weekends, but at the same time I thought I was getting a quid pro quo, in return, 4 full days of work on Tuesdays through Fridays. Now I have run into a situation in which I hear it said, "Well, some Senators have gone for the day."

Now, Mr. President, if I have to manufacture a vote this afternoon, we will have one. If Senators want to take the chance that by leaving at 1 o'clock or 1:30 on Friday afternoon they can just tell their colleagues, "Don't agree to anything, because I am leaving," and there will not be any rollcall votes, they will have another thought coming, because we can and will have votes. There are items, for example, on the Executive Calendar on which we can have votes.

I can have a vote on going to the Executive Calendar. There is at least one nomination on that calendar that has been held up on my side, but I do not mind breaking holds on this side today and having a vote on that nomination. I do not want to be driven to that, but I am just not going to stand still and stand silent if Senators are going to think well, they can have Mondays off and perchance if they just get out of town by 1:30 on Fridays they can call back in and say, "Don't have any votes" and other colleagues will protect them.

Well, other colleagues can protect them to a certain extent, but we have just got to understand around here we are not going to live by the law of the jungle; we are going to live by the laws of this Senate. And if I am going to be expected to make a commitment and keep it, I expect other Senators on both sides to keep their commitments likewise. I do not expect Senators to say, "Well, colleagues have gone, we have got two or three on our side, I don't want to give you consent to go over now because some of our colleagues have left." They do not have to give me consent to go over. We are going to have a vote this afternoon one way or another, at least one vote.

So I ask unanimous consent, Mr. President, that the motion to reconsider be put aside until next week.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object—I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Now, Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from North Carolina.

Mr. BYRD. Mr. President, is there an objection to going to that amendment this afternoon?

Mr. DOLE. There is objection to going to that amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment by Mr. HELMS be put aside until later——

The PRESIDING OFFICER. Is there objection?

Mr. BYRD [continuing]. Today or next week.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Now what is the pending question before the Senate?

The PRESIDING OFFICER. The amendment of the Republican leader is the pending question.

Mr. DOLE. Mr. President, I understand on that amendment there has been some objection raised on the funding, and I do not want to hold up the Senate trying to resolve that, and I ask consent that that amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Now, Mr. President, I believe we are at the point where other amendments may be called up. Am I correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. There is no other pending amendment?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I thank the Chair.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BYRD. Mr. President, will the Senator yield so that I may add one comment for the record?

Mr. MELCHER. Yes; I will be delighted to yield.

Mr. BYRD. I want to say I had the full cooperation of the Republican leader in my efforts to lay the motion to reconsider over and to proceed with other amendments. My remarks, I want the record to be clear, were not directed at the Republican leader because he was willing to proceed with laying the motion to reconsider over and getting on with other votes. My remarks are not personally directed toward any particular Senator, in fact.

But I had just been made to understand that some Senators had gone and that they did not want any votes this afternoon. There is going to be at least one vote. If we have to vote on the motion to adjourn until next week, we will get a vote, and, if the distinguished Senator from Montana does not mind, a rollcall vote on this amendment.

Mr. MELCHER. Mr. President, I do not mind having a rollcall vote on my amendment if it is requested.

Mr. BYRD. I will not ask for the yeas and nays at this moment, but the cloakrooms should alert Senators there will be at least one more rollcall vote this afternoon.

Mr. EXON. Will the majority leader yield just a moment?

Mr. BYRD. Yes.

Mr. EXON. Mr. President, I appreciate the patience of the majority leader and the minority leader. I know it is very trying. I have been in the Democratic caucuses when I have heard pleas to the majority leader from those of us on this side of the aisle, and I suspect a similar thing happens in the Republican caucuses, "Please tell us for sure what the schedule is going to be. Please, Mr. Leader, allow us to take care of our duties back home." And I think that the majority leader has gone out of his way in that regard. In fact, I think he has gone too far, and I think possibly he may be expressing some of that frustration that I heard him express on the floor of the Senate a few moments ago.

A week ago yesterday, this Senator stood back there, and we had an exchange back and forth about the keen disappointment that I felt that we do not do our business; and then, of course, we had to get out of here to go home for the Memorial Day break. It

appears to me that we are certainly headed for another week.

While we have conducted an awful lot of business, much of it on this particular matter has been nonsense business. We have had a whole series of amendments that had nothing whatever to do with the supplemental appropriations bill. I can remember one that we had to take time and effort to vote on here—something about putting Minuteman III missiles into Minuteman II silos, which has nothing whatsoever to do with this appropriations bill.

I am keenly disappointed, I might say, that colleagues continue to take advantage. They encroach, if you will, time and time again, on being here to discharge their legitimate duties because in many cases they have, I suppose, important duties elsewhere, including getting reelected. Of course, that is important to Senators in this body. But the first importance, it seems to me, is to be here doing the job that we are supposed to do.

I suspect that had we had all 100 Members of the U.S. Senate here, we would have finished this bill today.

I remember very well a few hours ago, on this floor, I asked the majority leader if he would hold us here until perhaps midnight tonight, or later, to force this bill to a conclusion. I now understand very well that is a total impossibility, given the stalemate we have on the waiver of the budget resolution.

All I can say is that the farmers of Nebraska and the farmers around this Nation are awaiting the Commodity Credit Corporation funds that this body, the House of Representatives, and the President of the United States promised them on a certain date, and the money is not there.

I want to draw the line once again under the fact that we are simply not doing our job, and I am keenly disappointed. We obviously now will have to go over until next week, when we hope some of those absent Members will be here to give us the 60 votes we need to waive the budget resolution. The farmers of Nebraska are not going to understand that, nor are they going to appreciate it, and there is no way that this Senate can adequately explain it to them.

So I simply say to the leader and to my colleagues that, once again, we have held up an extremely important matter so far as the agricultural interests of this Nation are concerned, and it is no wonder that there is continual disappointment and concern out there about the shabby way we conduct our business in this body.

I have a lot of respect for the U.S. Senate, and I have a lot of respect for all my colleagues; but I think that somewhere we have to draw the line on where our priorities lie and where we should be at certain times to do certain things.

When I lose on a vote that I feel very strongly about and everyone is here to vote, I say that is the Members of the Senate expressing their will and that is the system at work. But the system cannot work if we are not here to take part in it.

I thank the majority leader for giving me the consideration of yielding for these brief remarks. I hope that, come Tuesday next, we will not start the dillydallying tactic that we have been on now for the past 10 days and delay this another 10 days. We have to get moving with it.

Mr. LEAHY. Mr. President, will the Senator from Montana yield me 60 seconds?

Mr. MELCHER. Mr. President, I yield to the chairman of the Agriculture Committee, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the Senator from Montana.

Mr. President, I would note, as one Senator, that in judging the worth of this body and how much work we do, the basis should not be whether we are here for "bed check" votes on a Friday afternoon.

I also note that we spent several hours in quorum calls this morning. During that wasted time we could have accomplished anything that we might do this afternoon.

The fact is that the Senate as a body works hard, and every Senator also works hard. Some may evaluate the work of the Senate according to the number of hours we spend here on the floor. Others might evaluate the effectiveness of the Senate based on what we accomplish when we do vote.

Mr. President, every Member of the Senate also has another responsibility. That responsibility is not fulfilled by the sheer number of votes we cast on this floor, whether it be on a Friday afternoon or whenever. We also have a responsibility to our constituents in our home States, to be home, where they can ask us questions and tell us what they think, so that when we do vote we can respond to the people we represent, not just to the Washington lobbyists. There are Senators who are not here, and there are Senators who may not be able to make themselves available to the people they represent because they have had to stay to cast a vote that may be merely procedural or mean very little.

Mr. President, the Senate is a representative body, and the people we represent ought to have a chance to hear from us.

Mr. President, I do not want these remarks to be construed as criticism of either the Democratic or Republican leaders. They have a most difficult job of keeping the Senate's agenda moving ahead, and time and time again I have watched in admiration as they find ways out of the procedural thickets we so often fall into. My good friends from West Virginia [Mr. BYRD] and Kansas [Mr. DOLE] do magnificently at this task.

What I am trying to underline here is that Senators do have responsibilities that go beyond what happens on the Senate floor. They fulfill some of their most important obligations as elected representatives when they meet with and listen to the people they represent. It is very often difficult to strike a balance between a Senator's duties here on the Senate floor and those back in his or her home State. As I stated, the two leaders make tremendous efforts to strike that balance.

All of us understand the special responsibilities of the leader of the Senate [Mr. BYRD]. Let me make clear that I greatly appreciate the great efforts he undergoes every week in accommodating the needs of 99 other Senators.

Mr. BYRD. Mr. President, I do not know why the debate is going forward on this point. I have not named any names. But Senators have their responsibility. I think most Senators would probably give their right arm to get here—to become a U.S. Senator.

This Senator, as long as he is the leader, is going to do his best to press the business of the Senate forward. At the same time, I try to be very conscious and understanding of the problems of my colleagues, and I intend to continue to do that.

We are going to have some votes this afternoon. We are going to have at least one vote this afternoon; because if I am going to be making commitments that we will not be having votes on Mondays, this Senator is not going to stand supinely by in silence and quaking with fear and have others say, "Well, I'm going home. Let's not have any votes on Fridays."

The Nation's business, this bill, is important to the farmers of this country, important to those who have pensions, important with respect to Federal pay increases, important to the defense of the country, important to the foreign operations of the country.

The Senate is stymied because of the failure to get 60 votes to waive the Budget Act. Then, I am told that some Senators have already left town, and I cannot get unanimous consent to go on to other business. I do not expect to get kudos from anybody. I understand that I am not very well liked around here anyhow. I did not get elected to be liked here. I got elected because I thought I could do a job. This is a challenge, and I do not back off from a challenge.

So we will have a vote, or we will have votes, this afternoon. Let it be a

lesson to those who nonchalantly walk off at 1 o'clock on Friday afternoon, like school is out, and we all go home.

I have not told anybody there will be no more votes. If they want to miss votes, that is fine. They do not have to get an excuse from me or get their approval from me.

There are other Senators here expecting to work on the bill. The convenience of the Senate has to be addressed, and the convenience of other Senators means something as well, and other Senators are ready to do business. There are other Senators here who would like to go home, too, this afternoon. There are other Senators here who might have taken an earlier plane, but they stayed because they thought there would be rollcall votes.

I always try to think of the convenience not only of this Senator but of other Senators as well, but, above and beyond all that, the Senate itself and the business of the people.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I think it is fair to say that folks out around the country wonder why we are spending in this bill $9.4 billion.

The point has been made that we should not exceed the budget. We just had a vote on it. It would take 60 votes to waive the budget. We did not have quite 60. But I was one of those who voted to waive. So I would like to say why I voted that way.

The folks out around the country, taxpayers, citizens all of them are entitled to a straight answer and the answer, Mr. President, is that there are $6.6 billion in this bill for the Commodity Credit Corporation.

Having said that, I know that most folks around the countryside do not know what it means. They probably are not even familiar with the Commodity Credit Corporation.

To state it as simply as I can, the Commodity Credit Corporation is that agency that takes care of the various segments, the various portions, parts of the Farm Act, the Farm Program.

In my State of Montana right at this moment—it is 12:10 out in Montana right now—the Montana stock growers are in convention. They are at a luncheon where I was hoping to be.

They were affected last year, 1986. The cattle people were affected when there was a Dairy Herd Buyout Program, which took over a billion dollars out of the Treasury, in fact out of the Commodity Credit Corporation, to have this program function. I thought it was a poor program, by the way; I want to add that. I thought the Dairy Herd Buyout Program was a poor program. I voted against it. But, nevertheless, it became law and it took over a billion dollars out of the Treasury and out of the Commodity Credit Corporation, this agency. That is $1.5 billion in 1986.

Then there are deficiency payments to grain farmers and that comes out of the Commodity Credit Corporation and when it is spent out it has to be reimbursed. We have had the Commodity Credit Corporation for several decades now, and that is the way it works. It gets so much money appropriated to it and then under law for these various aspects of the Farm Program the money is spent out of there and when it becomes depleted as it is now more money has to be appropriated for it.

So out of the total of $9.4 billion in this bill, $6.6 billion is to pay to the Commodity Credit Corporation so they can continue to operate the farm programs.

I do not know whether folks out across the countryside realize how much it costs, but as one Senator I want to state that I believe agriculture policy in this country is so botched right now that we are spending too much money on these programs and that if the programs were better administered we would not be spending this amount of money. It would not be necessary. We would be spending less.

The Department of Agriculture and the Department of State have not disposed of the surplus commodities that accumulate to the Commodity Credit Corporation. They have not disposed of them in a prudent manner, so it costs more to run the program.

Let me give now the latest figures of the commodities that are now owned by the Commodity Credit Corporation. That corporation must pay storage costs on these commodities.

There are 214 million pounds of butter, 381 million pounds of cheese, 469 million pounds of nonfat dry milk. They are in storage. Who pays for it? The Commodity Credit Corporation pays for those storage costs. They are rather expensive. There are 74 million bushels of barley, 1.5 billion bushels of corn. There are 396 million bushels of soybeans and 904 million bushels of wheat. There are other commodities also under storage, but all of these that I just listed cost money for storage.

Mr. President, what is needed is that we get rid of the surplus commodity, reduce the costs of storage, find where the market is and when you get rid of the surplus then the commodity prices start to rise and that is what we need. That is our goal.

The fact that agriculture policy in this country is terrible today is partially the responsibility of the administration and partially a responsibility of Congress.

It is not just one or the other being totally responsible. We are both responsible, both the legislative branch and the executive branch.

If this administration had followed the recommendations of the Agriculture Committee, made by both Democrats and Republicans on the committee, we would not have as much in surplus today of these various commodities as we do.

To say that the administration had been less than adept is a very kind statement. To say that they have refused to follow the recommendations of the Senate Agriculture Committee is an accurate statement.

I hope they can improve, and beyond that I hope that the committee itself and the Congress itself can become more persuasive and more prudent to inform the White House and the State Department and the Department of Agriculture and the entire administration on what they ought to do.

Above all, I hope we can get their attention. Above all, I hope that they will pay more attention on what is wrong with American agriculture.

We will work with them, and I say that both for Democrats and Republicans on the Senate Agriculture Committee, to improve performance, and when we accomplish that improved performance, I can guarantee to every one the costs for operating the Commodity Credit Corporation and the costs for the farm programs will start to come down.

After you deduct the $6.6 billion for the Commodity Credit Corporation in this bill, you come down to about $2.8 billion for a variety of other purposes. Less than a third of this total is for other purposes, other than the Commodity Credit Corporation, and there are all sorts of provisions in this bill. It is a pretty big bill covering a lot of different agencies and affecting a lot of different people.

One group it does affect are older Americans, the elderly. There are a couple of parts of this bill that deal with the Older Americans Act, that deal with nutrition programs to assist the older Americans, the senior citizen programs, the senior citizen centers for their nutrition programs, and also one that I would particularly like to help called Meals on Wheels.

This is a program that operates in this country for older Americans who could not leave their homes because they are incapacitated, where meals are actually delivered to their homes to assist them, to provide some nourishment, to provide, well, to provide also some contact with people in the outside world. Confined to their homes as they are, the contact that is made through Meals on Wheels is a double blesing. Somebody brings the meal. That contact is appreciated by these incapacitated older Americans in their own dwellings. And then they have a hot meal—that is the second benefit—a hot and nutritious meal delivered to them.

Mr. JOHNSTON. Will the Senator yield?

Mr. MELCHER. Yes, I am delighted to yield to the manager.

Mr. JOHNSTON. Mr. President, I believe the parties who were interested in the Senator's amendment are present on the floor and are anxious to receive it. I believe the leader wants to have a vote on this amendment. So if the Senator would like, we are ready to approve it so people can vote.

AMENDMENT NO. 250

(Purpose: To transfer unobligated funds for fiscal year 1985 and fiscal year 1986 for section 311 of the Older Americans Act of 1965, to subpart 2 of part C of title III of that Act, relating to Home Delivered Nutrition Services)

Mr. MELCHER. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ADAMS). The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 250.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

The amendment reads as follows:

On page 64, between lines 21 and 22, insert the following:

For an additional amount for Home Delivered Nutrition Services under subpart 2 of part C of title III of the Older Americans Act of 1965, not to exceed $1,400,000, to be obligated by September 30, 1987 which shall be derived from unobligated funds appropriated for section 311 of the Older Americans Act of 1965 for fiscal year 1985 or fiscal year 1986, or both.

Mr. MELCHER. Mr. President, this amendment is very simple. It transfers up to $1.4 million of unused funding to be used for the remainder of this fiscal year for the program called Meals on Wheels. This amount of money had been appropriated previously but, under the formula of USDA reimbursement for meals, this amount will not be spent because it is not matched by agencies which are seed agencies and senior citizen centers that provide the preparation of the meals. So it would be available to help assist delivery of perhaps close to 1 million more nutritional meals this summer for older Americans throughout the country.

We are informed by various older American groups that they very much would like to have this amendment adopted; that is, the American Association of Retired Persons, the National Association of Area Agencies on Aging, the National Association of Nutrition and Aging Services Programs, and the National Association of State Units on Aging.

It is a very meritorious amendment. I hope we can have acceptance of the amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, under section 311 of the Budget Act, I raise a point of order against this amendment.

I think it is important, if we are going to do offsets, that Members remember that there is a difference between budget authority and budget outlays; that we are not, in fact, offsetting expenditures if we offset against accounts where the money was not going to be spent.

If the distinguished Senator offering the amendment will go back and find an offset so that outlays are reduced by the amount that outlays will increase by the amendment, there will be no budget point of order. However, despite the obvious merit of adding another spending program to benefit more people, the fact is that this amendment will further raise the deficit. Since this body has this very day refused to waive a point of order against the bill, which is already $2.6 billion over——

The PRESIDING OFFICER. I state to the Senator that the point of order is not debatable. The Chair has allowed the explanation of the point of order, but, as my friend knows, it is not debatable.

So the point of order has been made and the Chair is prepared to rule on the point of order.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I move to waive sections 302(f), 303(a), and 311(a) of the Budget Act on the amendment in consideration of the 1987 supplemental appropriation bill; this bill, H.R. 1827.

I just will briefly state that this money is available. It has been appropriated. It is just a question of how we spend it. This is the proper way to spend it. It has been highly recommended and widely recognized. This will do more good than just sitting where it is now.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is the Senator making a motion to waive the Budget Act on the Senator's amendment or on the bill?

Mr. MELCHER. It is simply on the amendment offered on this bill.

The PRESIDING OFFICER. The Chair then understands that this is a motion to waive the Budget Act because of the point of order made by the Senator from Texas on this amendment to the bill. The Senator has asked for the yeas and nays. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, this motion is debatable. And, taking up where I left off in my previous statement, let me just simply say that, again, we have a situation where a Member wishes to raise the deficit and uses the ruse of having an offset, where, in fact, there is no offset; that the funds would not have been spent.

It is much like someone who wants to go out and bust their own family budget, saying, "Well, I'm going to take the money for this new truck out of the vacation I was going to take traveling around the world," when, in fact, he was not going to travel around the world; he did not have money set aside for that purpose.

And what would happen to the fellow who did that is he would soon be broke and in bankrupt court.

That does not happen here because we simply raise the deficit and put our children deeper and deeper into debt.

So I urge my colleagues not to succumb to, again, this new version of the old siren song: "Here is someone who can be helped. Don't worry about the deficit. Let's simply increase the deficit, go out and borrow the money, and we will worry at some time in the future about how we are going to pay it."

I would say, if the Senator is serious about the amendment, that he ought to take the money away from some program where the money was going to be spent, thereby lowering outlays in some lower priority program and increasing outlays in this program which he would like to increase beyond the level already being funded. If he does that, there will be no point of order. But since he has not done that, there is a point of order.

I, again, want to reiterate to my colleagues the point that simply offsetting budget authority does not solve the problem. You have to offset an actual outlay that would be made this year or you are raising the deficit.

So, as a result, I hope this effort at waiving the budget or waiving the point of order on this amendment will be defeated.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me say that the amendment of the distinguished Senator from Montana is one on which we have been working with him to help design a way that would meet any objection from the Appropriations Committee with respect to the transfer between two accounts, one account that falls under the jurisdiction of the Department of Agriculture and the other account

which falls under the jurisdiction of Health and Human Services.

I have no objection to the amendment. As a matter of fact, I think this is a program where additional funds are truly needed to be sure that the program is operating consistent with the intent of Congress for the remainder of this fiscal year.

I intend to vote with the Senator from Montana to approve this motion to waive the point of order.

I point out that one reason for doing that is that this amendment limits the transfer to only those unobligated funds that were appropriated in Public Law 99-349, which was the 1986 supplemental appropriations bill that included $8.5 million designed to take care of the shortfall to pay claims from States. States have been slow in presenting claims under that program and there are unobligated funds estimated to be as high as $1.4 billion, that could be available to be used in the Meals on Wheels Program.

I would normally object to the Elderly Feeding Program being used as a fund for a transfer to any other program. It appears that there may be some extra money there before this fiscal year is over. For that reason, I think a good use of it would be the Meals on Wheels Program as suggested by the distinguished Senator from Montana. So I intend to join him in voting for this motion.

The PRESIDING OFFICER. The yeas and nays on the motion have been ordered. The clerk will call—

Mr. MELCHER. Mr. President, I want to thank the Senator from Mississippi for his explanation and I urge adoption of the motion.

The PRESIDING OFFICER. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. RIEGLE], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent on official business.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KERRY] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Washington [Mr. EVANS], the Senator from Utah [Mr. GARN], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. RUDMAN], the Senator from South Carolina [Mr. THURMOND], and the Senator from California [Mr. WILSON] are necessarily absent.

I also announce that the Senator from Virginia [Mr. WARNER] is absent on official business.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "nay."

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted: yeas 66, nays 16, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—66

Adams	Domenici	Metzenbaum
Baucus	Durenberger	Mikulski
Bentsen	Exon	Mitchell
Bingaman	Ford	Moynihan
Bond	Graham	Nunn
Boren	Grassley	Packwood
Boschwitz	Harkin	Pell
Bradley	Hatch	Pressler
Breaux	Hecht	Pryor
Bumpers	Heinz	Reid
Burdick	Hollings	Rockefeller
Byrd	Inouye	Roth
Chafee	Johnston	Sanford
Cochran	Karnes	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kasten	Shelby
Cranston	Lautenberg	Simpson
D'Amato	Leahy	Specter
Danforth	Levin	Stafford
Daschle	Matsunaga	Stevens
DeConcini	McConnell	Trible
Dodd	Melcher	Weicker

NAYS—16

Chiles	Helms	Quayle
Dixon	Humphrey	Stennis
Dole	Lugar	Symms
Gramm	McClure	Wallop
Hatfield	Nickles	
Heflin	Proxmire	

NOT VOTING—18

Armstrong	Gore	Rudman
Biden	Kennedy	Simon
Evans	Kerry	Thurmond
Fowler	McCain	Warner
Garn	Murkowski	Wilson
Glenn	Riegle	Wirth

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion to waive is agreed to and the point of order falls.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

The majority leader will suspend. The Senate will be in order. Senators will cease audible conversation.

The majority leader.

Mr. BYRD. Mr. President, following this vote, the question would then recur on the amendment by Mr. HELMS. I understand that there will be considerable debate on that amendment, and so I would say to all Senators after the rollcall vote which is about to occur, which has already been ordered, there will be no more rollcall votes today. There will be rollcall votes on Tuesday. I thank all Senators.

Mr. MELCHER. Mr. President, will the majority leader yield?

Mr. BYRD. Yes.

Mr. MELCHER. Mr. President, I believe the yeas and nays have been ordered on the amendment, have they not?

The PRESIDING OFFICER. That is correct.

Mr. MELCHER. Mr. President, 65 to 16, was that the vote, on waiving?

The PRESIDING OFFICER. The Senator is not correct. The vote was 66 to 16.

Mr. MELCHER. Mr. President, I think that clearly demonstrates there is no need for a rollcall on the amendment itself. I ask unanimous consent that the rollcall vote be vitiated.

The PRESIDING OFFICER. Is there an objection?

Mr. SYMMS. I object.

The PRESIDING OFFICER. Objection is heard. Is there further debate? If not, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Vermont [Mr. LEAHY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent on official business.

I also announce that the Senator from Hawaii [Mr. INOUYE] is absent because of questioning witnesses in the Iran-Contra hearing.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KERRY] would vote "yea."

Mr. SIMPSON. I announce that the the Senator from Colorado [Mr. ARMSTRONG], the Senator from Washington [Mr. EVANS], the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. RUDMAN], the Senator from South Carolina [Mr. THURMOND], and the Senator from California [Mr. WILSON] are necessarily absent.

I also announce that the Senator from Virginia [Mr. WARNER] is absent on official business.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] and the Senator from California [Mr. WILSON] would each vote "yea."

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 70, nays 5, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—70

Adams	Domenici	Nickles
Baucus	Durenberger	Nunn
Bentsen	Exon	Packwood
Bingaman	Graham	Pell
Bond	Grassley	Pressler
Boren	Harkin	Pryor
Boschwitz	Hatfield	Quayle
Bradley	Hecht	Rockefeller
Breaux	Heflin	Roth
Bumpers	Heinz	Sanford
Burdick	Hollings	Sarbanes
Byrd	Johnston	Sasser
Chafee	Karnes	Shelby
Chiles	Kassebaum	Simpson
Cochran	Kasten	Specter
Cohen	Lautenberg	Stafford
Conrad	Levin	Stennis
Cranston	Lugar	Stevens
D'Amato	Matsunaga	Symms
Danforth	McConnell	Trible
Daschle	Melcher	Wallop
DeConcini	Mikulski	Weicker
Dodd	Mitchell	
Dole	Moynihan	

NAYS—5

Dixon	Helms	Proxmire
Gramm	Humphrey	

NOT VOTING—25

Armstrong	Inouye	Riegle
Biden	Kennedy	Rudman
Evans	Kerry	Simon
Ford	Leahy	Thurmond
Fowler	McCain	Warner
Garn	McClure	Wilson
Glenn	Metzenbaum	Wirth
Gore	Murkowski	
Hatch	Reid	

So the amendment (No. 250) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MELCHER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, if I may have the attention of Senators, it would be my hope that we could deal with three very short matters which have all been cleared before we move to the pending business which I believe is the Helms amendment, and that is a colloquy between Mr. METZENBAUM and Mr. CHILES, the Dole amendment which I think is in its final preparation and which I think will be cleared, and I have a defense amendment to allow the money hoped to be paid by the Iraqis for the damage to the *Stark*, if and when paid, to go directly to the Navy without having to go into the General Treasury so it could be used for the repairs on the *Stark*.

If I could deal with those three matters before we get to the pending business, I think it would help expedite things.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Mr. METZENBAUM, a letter from the Governor of Ohio, a statement by Senator GLENN, and comments by Senator CHILES, and I ask unanimous consent that the Metzenbaum amendment which has been reserved as being eligible to be proposed be stricken from the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

The material ordered to be printed in the RECORD, follows:

STATEMENT OF SENATOR METZENBAUM

Mr. METZENBAUM. Mr. President, I intended to offer an amendment to restore the $100 million included in the House bill for State unemployment insurance service operations.

The administrative cost of the unemployment benefit program is financed by Federal unemployment tax revenues. The unemployment insurance trust fund enjoys about $1 billion surplus. Yet year after year the Federal budget has reduced the level of funding for unemployment insurance operations.

The result has been that while employers continue to pay taxes to fund the program, and in some cases that tax burden has grown, the amount of services has declined.

Several States are experiencing severe problems. In my State of Ohio, for example, 42 of 108 offices have been closed and the State is now facing the prospect of substantial staff reductions. This at a time when the Federal Government has increased the tax burden on Ohio employers by $75 million.

An informal survey of other States shows Ohio is not alone:

Massachusetts is facing a $4.8 million deficit;

New York has laid off substantial staff because of a $7 million shortfall, and is still coping with a $2.3 million deficit;

Michigan has a $7 million deficit;

Florida, Mississippi, Vermont, Iowa, and many other States are facing deficits as well.

The impact of these cuts were well predicted. In fact, last year the Secretary of Labor wrote to the Appropriations Committee in support of restoring the entire cutback. He argued that the:

"Reduced level of funding would have serious consequences for the operation of the UI [unemployment insurance] program. States would be forced to lay off about 4,500 staff, representing 10 percent of the total, and close local unemployment offices. This would curtail services to claimants, forcing claimants to travel longer distances to file for benefits, and would significantly affect the States' ability to pay benefits promptly. In addition, there would be substantial losses to the unemployment trust fund (and to the Federal budget) because of the adverse effect on the accuracy of benefit payments and on the enforcement and oversight of tax collections."

Secretary Brock is absolutely correct.

So what have the States done?

Some States have responded with State appropriations to maintain a reasonable level of services. This means that States are forced to spend their limited resources on a Federal program at a time when the Federal trust fund is flush with moneys. These are dollars contributed by employers. In effect, States are being told to pay twice for a reduced level of services—one check is collected from employers to be stashed away in a Federal trust fund, a second is collected by the State to fund the identical activity.

Mr. President, at a time when there is sufficient dollars in the unemployment trust fund it isn't fair to penalize the States, the employers who pay the bill, and especially the unemployed.

I understand that the chairman of the subcommittee is prepared to provide some assurance to me that will avoid the necessity to pursue this amendment.

COMMENTS OF SENATOR CHILES

Mr. CHILES: Mr. President, there are many issues that will be at issue in the conference. I want to assure my colleague from Ohio that I will try to assist him and support his position that funding for these unemployment offices is needed. I should, however, point out that I doubt that funding in excess of $30 to $35 million could be expected.

Mr. METZENBAUM: Mr. President, with those assurances I do not believe it would be productive to pursue my amendment. I thank my colleague from Florida for his consideration and assurances.

STATEMENT OF SENATOR GLENN

Mr. GLENN. Mr. President, the amendment intended to be offered by my colleague from Ohio have provided $100 million in relief for States suffering because of the reduction in FY87 funding for unemployment services. The funds provided by this amendment would have restored only a portion of the FY87 cuts in unemployment services; the House has already approved $100 million for this purpose.

As of February 1987, the employment offices of 22 States anticipated a need for, or had already requested, additional State funds to meet the shortfall which will occur as a result of these cuts. Eleven States have already closed 94 local offices and itinerant service points; in fact, Ohio has closed 42 of its 108 bureau of employment service offices.

In addition to office closings, many States either have laid off or plan to lay off, substantial staff because of the reduction. Numerous problems such as longer waiting time for claims services and payments, and longer distances for unemployed workers to travel for service, will result from the combination of office closing and staff layoffs.

The long term impact will be even greater. Affected States almost certainly will experience substantial case backlogs, salary rate increases shortage, increased incidence of fraud in filings by both employers and employees, and lowered employee efficiency.

State officials, employers, and unemployed workers alike will feel the impact of a decrease in these administrative services. Since the trust fund from which the administrative costs of the Unemployment Service Program are paid has a $1 billion surplus, I am surprised that State employment offices are faced with this problem. Likewise, it is difficult for me to understand why the administration has consistently proposed reducing the level of funding for unemployment insurance. Only the Reagan administration would propose a budget that increases money for the Contras while it cuts money for job services.

Mr. President, we should follow the lead of the House. We cannot afford to cut job

services for workers who are actively seeking employment.

STATE OF OHIO,
OFFICE OF THE GOVERNOR,
Columbus, May 7, 1987.

Hon. HOWARD METZENBAUM,
140 Russell Senate Office Building,
Washington, DC.

DEAR HOWARD: Thank you so much for all your efforts on behalf of the State of Ohio and the funding crisis facing the Ohio Bureau of Employment Services (OBES). The Ohio delegation in both the House and Senate have shown a great deal of support. We are now at a point where assistance from the Senate is crucial.

Even with the scheduled office closings, the early retirement program, and a variety of other stringent measures, the current projection is that OBES is facing a deficit of between $8-9 million on September 30, 1987. As a result, the agency is examining the possibility of additional office closings and more staff reductions.

Additional money in the supplemental is needed to prevent further reduction of vital services to unemployment insurance recipients as well as to increase our mobile response capability in areas where offices have closed and mass layoffs or plant closings are continuing to take place. Norwood is such an example.

We have been in touch with unemployment insurance administrators from other states such as Michigan, New York, Iowa and Massachusetts. All are facing deficits and further reduction in services. Our states are being held hostage by the federal system and asked to support with state money services employers have already financed.

I deeply appreciate anything further you can do at this time.

With best regards,

RICHARD F. CELESTE.

AMENDMENT NO. 251

Mr. JOHNSTON. Mr. President, I send to the desk an amendment on behalf of myself and Mr. STEVENS with respect to the *Stark*.

I ask unanimous consent that it be in order to consider the amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) for himself and Mr. STEVENS, proposes an amendment numbered 251.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

"SEC. . Notwithstanding any other provision of law, payments received hereafter as compensation for damages to the U.S.S. *Stark* and other United States governmental expenses arising from the attack on the U.S.S. *Stark* shall be credited to applicable Department of Defense appropriations or funds available for obligations on the date of receipt of such payments."

Mr. JOHNSTON. Mr. President, this amendment, as previously described, will direct that the money to be paid we hope by the Iraqis for the damage to the *Stark* will go directly to the Department of the Navy for repairs and will not have to go into the General Treasury.

Mr. CHAFEE. Could I just ask a question, Mr. President, on this?

Mr. JOHNSTON. Certainly.

Mr. CHAFEE. Suppose there is x amount of dollars compensation for the victims in some fashion and it has nothing to do with damage to the *Stark*, would that money also go to the Navy?

Mr. JOHNSTON. Well, the way this reads is, and I think it is self-explanatory:

Notwithstanding any other provision of law, payments received hereafter as compensation for damages to the U.S.S. *Stark* and other United States governmental expenses arising from the attack on the U.S.S. *Stark* shall be credited to applicable Department of Defense appropriations or funds available for obligation on the date of receipt of such payments.

Mr. CHAFEE. I do not think that is very clear. It is the author's intention that the money for the *Stark* go to the *Stark*. But if it is compensation for the lives which will be paid from the General Treasury, I think that money should go back into the General Treasury.

Mr. JOHNSTON. I think that is clear from the amendment. This deals only with compensation for damages to the *Stark* and other governmental expenses, which would not include, of course, the deaths of individual members.

Mr. CHAFEE. If that is the understanding; that is, that the damage to the *Stark* goes solely to the Navy and the balance, whatever it is, go to the General Treasury.

Mr. JOHNSTON. Yes; the Senator is correct.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the distinguished Senator from Alaska [Mr. STEVENS], is a cosponsor of the amendment, as stated by the manager of the bill. It has been cleared on this side of the aisle and we recommend it be approved.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 251) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, as I understand it, the Dole amendment has not been finalized, as yet, so we will hold that in abeyance for a few moments.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, it now appears that we have done as much as we can constructively do today. There is still further drafting to be done on the Dole amendment, which I believe has been approved in principle. But the drafting must be completed and then it must be double-checked for substance. Then it must be checked by the Budget Committee. I think that can better be done on Tuesday.

I think the Dole amendment is not ripe for debate or not ready for disposition at this time.

Mr. President, I think we have probably accomplished as much as we can at this time on this bill.

At this point, Mr. President, I will put in a quorum call and defer to the leadership for such business as he may have.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank Mr. JOHNSTON, Mr. STENNIS, and Senators on both sides who have been managing the bill and who have called up amendments for their splendid cooperation.

Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from North Carolina.

Mr. BYRD. Mr. President, I will yield the floor for the moment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 248, AS FURTHER MODIFIED

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order to send a further modification of my amendment to the desk. It is simply to make the date August 31 instead of August 30, 1987.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At an appropriate place in the bill, insert the following:

"None of the funds appropriated by this Act for the emergency provision of drugs determined to prolong the life of individuals with Acquired Immune Deficiency Syndrome shall be obligated or expended after August 31, 1987, if on that date the President has not, pursuant to his existing power under section 212(a)(6) of the Immigration and Nationality Act, added human immunodeficiency virus infection to the list of dangerous contagious diseases contained in Title 42 of the Code of Federal Regulations."

Mr. HELMS. Mr. President, as I understand it, the pending business is the Helms amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. And it has been further modified.

Mr. President, I have no wish to discuss the amendment this afternoon. I thank the distinguished majority leader for his courtesy. I yield the floor.

LAKE TEXOMA

Mr. NICKLES. Mr. President, southeast Oklahoma is blessed with many resources including Lake Texoma. This multipurpose reservior provides valuable flood control, hydropower, water supply, and recreation benefits.

After extensive negotiations between affected parties, it appears an agreement has been reached which will provide improved management of Lake Texoma's resources without adversely affecting the rights of current project users and without reducing payments to the Treasury.

Under the agreement, a Lake Texoma Advisory Committee will be established for the purpose of providing infomation and recommendations to the Corps of Engineers regarding the operation of Lake Texoma. A management plan would also be implemented that attemps to maintain a water surface elevation between 617 and 612 mean sea level and provides further guidelines when lake levels drop below 612 mean sea level. The management plan would not supersede existing contracts or public law relating to Lake Texoma.

Additionally, the agreement provides no additional hydropower units will be constructed at Lake Texoma until September 30, 1989. This will allow time to review the comprehensive study developed by the Corps of Engineers which is due no later than September 30, 1988.

Language in the House supplemental appropriations measure on this issue met with objections from various interests and faced opposition from a number of Senators. The compromise language embodied in the proposed agreement was formulated in order to meet those objections.

The proposed compromise language was obtained through extensive negotiations between affected parties including the Corps of Engineers, Southwestern Power Administration, National Rural Electric Cooperative Association, American Public Power Association, Southwestern Power Resources Association, Tex-La Electric Cooperative, Rayburn Country Electric Cooperative, North Texas Municipal Water District, Greater Texoma Utility Authority, Texas Utilities Electric Co., and the Lake Texoma Association. Congressmen WES WATKINS and RALPH HALL largely orchestrated these negotiations which will enable the compromise language to be accepted in lieu of the original House language.

Mr. BENTSEN. Mr. President, I would like to comment on the process which has lead to an apparent resolution of the Lake Texoma issue. As you know, I have been involved personally for several years in trying to resolve issues related to Lake Texoma, a lake which, as its name implies, is on the border of Texas and Oklahoma. Lake Texoma provides substantial power and water supply benefits to Texas, and recreation benefits to Texas and Oklahoma. Last year when I was ranking member of the Senate Environment and Public Works Committee and during consideration of the omnibus water resources bill, I worked to add recreation as a project purpose to Lake Texoma provided it did not impact adversely on the existing purposes of the lake. That is why I was extremely concerned with the House-passed provision of the supplemental related to Lake Texoma, which would have limited power generation at the lake and caused electric consumers in Texas to absorb approximately $6 million in added costs with, according to a Tulsa District Corps of Engineers study, only marginal perceived benefits to recreational users. As the Senator knows I expressed concern about this on behalf of the electric consumers in Texas and others who depend on the lake. I am pleased to find that recreation power, water supply, and other interests have come to the bargaining table and have negotiated a proposed resolution of this issue. A proposed management plan has been developed which preserves the benefits to which power customers are contractually entitled, yet also accommodates recreation users' interest in a stabilized lake level. It also appears that municipal water supply interests will not be adversely affected by the proposed management plan. An advisory committee is established to address issues which arise in the future. Mr. President, I am pleased to have participated in this process, and extend my thanks to those who have helped to settle this issue. I hope it will be agreed to in conference.

Mr. BOREN. As Senator NICKLES indicated, only through a large expenditure of time and energy has this agreement been reached. The interested parties have determined the specifics of the agreement can meet the need to better manage Lake Texoma without threatening contractual obligations. With this in mind, I support the agreement and would urge its adoption during conference with the House.

Mr. NICKLES. Mr. President, I would ask Senator JOHNSTON, chairman of the Energy and Water Appropriations Subcommittee, who knows of our interest in this issue, if during conference with the House he is willing to include language codifying the agreement I have described.

Mr. JOHNSTON. I thank the Senators for raising this issue. I know that our colleagues Senators BENTSEN and BUMPERS have been deeply involved in trying to frame an agreement which would protect all the parties which benefit from Lake Texoma.

Senators BENTSEN and BUMPERS have kept me apprised of their interest and I have assured them that should the final touches on this agreement be completed in a timely way I will recommend its adoptions in conference. And I offer the same assurance to the Senator from Oklahoma. I appreciate the Senator's willingness to withhold offering an amendment with the understanding the issue will be addressed in conference.

Mr. NICKLES. I thank the chairman and I submit for the RECORD a copy of the proposed language.

"SEC. . Pursuant to the Federal Advisory Committee Act (Public Law 92-463), the Secretary of the Army is directed to establish an advisory committee for the Denison Dam (Lake Texoma), Red River, Texas and Oklahoma project authorized by the Flood Control Act approved June 28, 1938 (52 Stat. 1219). The purpose of the Committee shall be advisory only and it shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Texoma and its congressionally authorized purposes. The Committee shall be composed of representatives equally divided among the project purposes and between the states of Texas and Oklahoma.

The Corps of Engineers, taking into consideration recommendations of the Southwestern Power Administration and the Lake Texoma Advisory Committee, shall develop and carry out a management plan for Lake Texoma that:

(1) maintains a water surface elevation between 617 and 612 msl, provided however that hydroelectric power will be generated to satisfy electric loads when the water surface elevation is between 617 and 612 msl;

(2) when the water surface elevation drops to 612 msl or lower, implements a public information program;

(3) when the water surface elevation is between 612 and 607 msl, permits hydroelectric power generation only when it is needed for rapid response, short term peaking purposes as determined by the power scheduling entity;

(4) when the water surface elevation is between 607 and 590 msl,

(a) permits hydroelectric power generation only to satisfy critical power needs on the power scheduling entity's electrical system as determined by the power scheduling entity, and

(b) requires municipal and industrial water users to implement water conservation measures designed to lessen the impact of municipal and industrial water withdrawals.

The management plan specified above shall not supersede or affect any existing contracts or public law relating to Denison Dam (Lake Texoma). The management plan shall have no impact upon the provisions of section 838 of the Water Resources Development Act of 1986. The management plan shall be reevaluated on or after September 9, 1989 by the Corps of Engineers, taking into consideration the recommendations of the Southwestern Power Administration and the Lake Texoma Advisory Committee.

The Corps of Engineers shall issue a final report on the comprehensive study of the Red River Basin, Oklahoma, Arkansas, Louisiana and Texas, no later than September 30, 1988. None of the funds in this Act or any other Act relating to water resource development may be used to construct or enter into an agreement to construct additional hydroelectric power generation units at Denison Dam (Lake Texoma) until September 30, 1989."

A SWEET LITTLE RIP-OFF

Mr. QUAYLE. Mr. President, there is a provision in the supplemental appropriations bill now before the Senate that ought to stir up a hornet's nest.

At a time when fiscal restraint must be exercised by Congress, the Senate Appropriations Committee has reported to the floor a bill containing language that instead aggravates the sting on the American taxpayers inflicted by that sweet little rip-off, the Federal Honey Price Support Program.

As reported to the Senate, this bill makes a beeline in the direction of unwarranted and wasteful spending by lifting the current $250,000 cap on loans that may be made to honey producers.

This provision is one honey of a deal for a tiny hive of special-interest pleaders. It will sweeten the Federal honey pot for only an estimated 20 honey producers—or less than 1 percent of the U.S. commercial beekeepers participating in the honey program. These are not struggling family farmers, but the queen bees of honey producers: corporate conglomerates.

I strongly object to this provision, particularly because I have long maintained that the Federal Government has no beeswax subsidizing the beehives of America to begin with.

I seriously considered offering an amendment to strike the language lifting the honey loan cap, but I have decided against doing so. While I believe my colleagues would swarm to support such an amendment on the grounds that lifting the cap will add still further to the runaway costs of the honey program, I am advised that, for reasons that strike me as convoluted at best, the language added to the supplemental in committee has no budget impact.

But no spoonful of honey is going to help make this program palatable in the future, for it's about as far from being the bee's knees as you can get. I continue to believe that the Federal Honey Price Support Program should be eliminated, and I will be prepared to offer legislation to phase it out as I did in 1985 at the appropriate time in the future.

Established by an act of Congress in 1949, the honey price support program was designed to assure a sufficient supply of honeybees for pollinating the Nation's fields and orchards. Instead, the program has led to a 24-percent reduction in the number of bee colonies over the past 30 years, and since 1980, its cost has soared.

Only about 3,000 of the Nation's estimated 200,000 beekeepers participate in the honey price support program, under which commercial beekeepers receive loans from the Commodity Credit Corporation at a set rate, using honey as collateral. Since 1980, the CCC price for honey has been higher than the wholesale price, now under 45 cents a pound. As a result, beekeepers have found it profitable to forfeit their loans and repay the CCC with honey.

Between 1980-84, the Federal Government spent more than $250 million buying overpriced honey placed under CCC loans. In the 1985 crop year alone, beekeepers forfeited 110 million pounds of honey to repay CCC loans; the cost to purchase and store that product was $100 million.

Nobody disputes the contribution that beekeepers make to our agricultural economy. But the fact is the honey price support program harms beekeepers by pricing their honey out of the market; taxpayers by funneling huge payments to a few commercial operators; consumers by increasing the cost of honey; and American farmers by siphoning away limited farm program dollars.

These were among the findings of the August 19, 1985 Comptroller General's report to Congress, "The Federal Price Support for Honey Should be Phased Out."

These were also my reasons for introducing the Honey Price Support Reform Act back in September 1985—and for offering it as an amendment to the 1985 farm bill during Senate action on the measure 2 months later.

Under my proposal, the U.S. Secretary of Agriculture would have been given authority to set the loan level for honey based on market conditions during a 3-year transition period beginning with the 1986 crop year. At the end of the transition period, provided to enable those dependent on the honey price support program to plan for a return to an unsubsidized marketplace, the USDA Secretary would have been required to end the program.

The Senate approved my amendment to the farm bill on November 22, 1985 by voice vote after a motion to table the provision failed by a rollcall vote of 36 to 60.

That action marked the first time since 1951 that the Senate had voted to remove a crop from the USDA's price subsidy program.

But the Senate's position on the honey program did not prevail in the subsequent conference on the 1985 farm bill. Nor, for that matter, did that of the other body.

The farm bill that cleared the House of Representatives included an amendment offered by Congressman BARNEY FRANK, of Massachusetts, to impose a $250,000 limit on the amount a honey price support program participant could borrow against his honey collateral. The Frank amendment was approved on a 340-to-65 vote that October 7.

Both my provision and the one authored by Congressman FRANK were dropped in the House-Senate conference on the 1985 farm bill. The conference report on the Food Security Act of 1985 simply reduced the price-support loan rate for honey producers, set at 65.3 cents a pound in 1985, to 65 cents a pound in 1986 and 63 cents a pound in 1987, with reductions thereafter limited to a maximum of 5 percent a year through 1990. The final compromise bill also gave the USDA Secretary discretionary authority to establish a honey marketing loan progam under which repayment of price-support loans would be permitted at less than the effective loan rate.

Last October, Congress took a further step to rein in the cost of the honey program when it passed into law the $587 billion multidepartmental spending bill for the 1987 fiscal year. That omnibus continuing resolution included a provision sponsored by Congressman SILVIO O. CONTE, of Massachusetts, that placed a $250,000 cap on the total amount of loans farmers participating in the honey program may have outstanding at any time. Congressman CONTE also authored a provision in that spending bill to impose a $250,000 limit on the amount a farmer may receive in Federal crop marketing loan gains a year.

But just as the final 1985 farm bill did not properly reflect the earlier verdicts of both the House and Senate on the honey price support program, the supplemental appropriations bill reported by the Senate appropriations would lift the $250,000 honey loan cap Congress approved just last fall.

In reviewing this objectionable provision, I was aghast to discover that, due to a major loophole in the Federal crop subsidy program, lifting the honey loan cap will have no budgetary impact.

Under current law, there is a $250,000 cap on both the total amount of loans made through the CCC that an individual may have outstanding at any one time for a commodity and on the amount that a farmer may gain in proceeds from a crop loan program per year. Applied to the honey program, this means that to receive the full marketing loan gain allowed, $250,000, a single commercial beekeeper could place between 850,000 and 900,000 pounds of honey under loan.

The loophole results from the practice of allowing producers to redeem their loans in payment-in-kind certificates. If a honey producer borrows against his product and then decides to redeem the loan with PIK certificates, the CCC's accounting system will show no credit, inflow or offset of the PIKs' cost. Nor does the gain made by the producer from the use of PIK certificates count against his $250,000 payment limitation.

In effect, the loan limitation is simply an inconvenience to the 20 largest producers, requiring them to turn over their loans several times before reaching the $250,000 payment limitation.

The USDA estimates that the 20 commercial beekeepers who stand to gain by the provision now in the supplemental will produce a total of between 6 to 9 million pounds in excess of the amount they could were the loan cap not lifted. This additional honey would be eligible for loans totaling $3.8 to $5.7 million under the current loan rate of 63 cents a pound. If PIK certificates were not available or if they could not be used to redeem loans, this excess honey would be excluded from the loan program, as it should be. But under current law, by redeeming loans on the excess honey with PIK certificates at the average price of 35 cents a pound, these 20 producers can realize a paper profit of 28 cents a pound—or $1.7 to $2.5 million—and it won't be counted against the $250,000 loan gain limit.

Mr. President, this situation would be laughable if it weren't so outrageous.

The simple fact is that the current $250,000 honey loan cap and payment limit can be and are being circumvented because of the availability of PIK certificates.

The USDA Secretary has the discretionary authority—and he should use it—to specify that PIK certificates may not be used to redeem honey loans. Only then will any limit imposed by Congress on loan activity have an effect on large honey producers, and only then will a reduction in honey loan outlays be achieved.

But not even that much-needed fix would suffice. As long as there is a Federal honey program, a miniscule number of beekeepers will turn to Uncle Sam for their sustenance like bees to honey. No, the only balm in order is congressional action to eliminate the program entirely.

Mr. CRANSTON. The House version of the fiscal year 1987 supplemental appropriations bill transfers $5.6 million in unobligated balances from the Bureau of Reclamation's loan account to its construction account to cleanup the Kesterson National Wildlife Refuge.

Additionally the House version permits the Bureau to spend previously appropriated moneys for the San Joaquin Valley Drainage Program in August and September 1987.

I am extremely concerned that the Senate Appropriations Committee has dropped both of these provisions. Neither involves new money. Both are critical to California.

In the past the Kesterson National Wildlife Refuge has served as the terminus for drainage from farms in California's San Joaquin Valley. However, because of selenium contamination that caused waterfowl deformities, the Bureau of Reclamation halted delivery of drainage water to Kesterson and the California State Water Resources Control Board ordered Kesterson cleaned up by August 1988.

It's imperative that Congress provide the necessary funds for the Bureau to meet the State board cleanup order of March 19, 1987.

The President's fiscal year 1988 budget included a fiscal year 1987 supplemental request to transfer $5.6 million of unobligated funds for initial cleanup activities at Kesterson. While actual construction likely won't begin before fiscal year 1988, the Bureau advises me it needs the money today for selenium stabilization, design work, and contract preparation. If Congress does not provide money for Kesterson in this bill, I'm advised the Federal Government will not be able to meet the State's August 1988 deadline.

To help solve the larger valley-wide drainage problem, the Bureau has been conducting studies under the San Joaquin Valley Drainage Program. The continuing resolution permitted expenditures for these studies only to August 1. If we don't permit spending the rest of fiscal year 1987, the Bureau tells me it will be forced to shut down the San Joaquin Valley Drainage Program and let employees go. That's totally unacceptable and will seriously delay efforts to solve California's agricultural drainage problem.

I had intended to offer an amendment to restore the House provisions. However, given assurances from the manager of the bill that these two issues will be carefully considered in conference, I will refrain from doing so.

Mr. JOHNSTON. I apprecaite the Senator from California's concern. Because of the recent State water control board decision, the committee deferred action on this matter until more detailed information on schedules and estimates of cleanup costs were developed. In addition, I believe the State of California has several activities to complete before major cleanup work can begin. We expect that this information will be available by the time we go to conference with the House and will address this matter at that time.

I also understand the problem regarding the August cutoff of funds for the San Joaquin Valley Drainage Program and will try to work that matter out in conference as well.

Mr. CRANSTON. I thank my friend the Senator from Louisiana for those assurances.

Mr. ADAMS. Mr. President, I had intended to offer an amendment on behalf of myself and my colleague from Washington [Mr. EVANS] that would have provided the funding for the Olympic National Park to acquire a 270-acre parcel, known as the Keystone Spit, on Whidbey's Island, adjacent to the Ebey's Landing National Historic Reserve. I understand that it will not be possible to offer an amendment on the floor without a corresponding budget offset. However, I have spoken with Senator JOHNSTON, the acting subcommittee chairman, and I believe our concerns have been addressed in a satisfactory manner.

The House of Representatives included $2.1 million, prior to the across-the-board cut on discretionary funding of 21 percent, in its supplemental appropriations bill. The Appropriations Committee in the Senate did not include for this acquisition in its bill. Although I well understand the difficulties the Appropriations Committee faces in keeping the supplemental appropriations bill within the tight budgetary constraints under which we are presently operating, this is an important opportunity for the Federal Government that should not be lost. Mr. President, I would like to take this opportunity to discuss the merits of this acquisition a bit further.

The acquisition of the Keystone Spit will accomplish two important things for the Federal Government at one time. The Olympic National Park will acquire a large parcel of land that is necessary to preserve the integrity of the Ebey's Landing National Historic Reserve, and the Olympic National Park will acquire 57 miles of tidelands owned by the State of Washington that are located within the boundaries of the Olympic National Park.

Ebey's Landing was established in 1978. The intent of the Federal legislation was to involve the National Park Service in protecting this historic rural island community consisting of farms, open space, woodlands, historic structures, and the historic town of Coupeville, WA. The National Park

Service, the Ebey's Landing National Historic Reserve Planning Committee, and the local residents have done a remarkable job in the few years since Ebey's Landing was established in developing a comprehensive plan for the reserve and in acquiring the most critical parcels of land inside the reserve to ensure the permanent protection of this national landscape. Keystone Spit is one of the last remaining parcels that remains to be purchased.

Mr. President, I think this is a worthy endeavor for the Federal Government.

Mr. EVANS. Mr. President, I support this acquisition, and I appreciate the efforts of the majority leader to accommodate our request. I well understand and appreciate the concerns of the distinguished Senator from Louisiana about staying within the limits of the budget. This is, however, an opportunity that will be lost to us forever if we are not able to take advantage of our abilities to acquire this parcel soon.

The Keystone Spit lies between Crockett's Lake and the Admiralty's Bay of Puget Sound. It is a long, narrow parcel of beach that connects Ebey's Landing with the Fort Casey State Park. At the extreme western end of the spit lies the dock for the State ferry to the Olympic Peninsula. On the open market, the Keystone Spit could sell for more than twice the acquisition price the private owners are willing to sell the property for to the National Park Service. This is a worthwhile bargain for the Federal Government.

The Keystone Spit and the adjacent Crockett's Lake are heavily used by recreationists, birdwatchers, fishermen, sportsmen, naturalists, artists, and scientists. The area contains abundant birdlife and offers a rich and varied blend of habitat types, ranging from shore and marsh to grasslands and woodlands.

The Olympic National Park, once it has acquired the property will then exchange it with the State of Washington for 57 miles of tidelands located within the boundaries of the Olympic National Park. The Keystone Spit will then become a part of the Fort Casey State Park, and the Olympic National Park will retain management control over the critical intertidal beach area of the Olympic National Park. These tidelands have become increasingly threatened in recent years from the unregulated harvesting of small marine life growing in tidal pools along the coast. It is critical that the National Park have the ability to prevent the destruction of this marine life to ensure the integrity of the natural marine ecosystem.

Mr. JOHNSTON. I want to thank both of the distinguished Senators from Washington for their statements on behalf of the acquisition of the Keystone Spit. I want to assure them both that I have reviewed the materials for this acquisition. I understand that this acquisition has been approved by the State of Washington and that it was strongly supported by the able Representative from Washington, Congressman AL SWIFT. I must stress again the need for the supplemental appropriations bill to stay within the confines of the budgetary limits set by Gramm-Rudman-Hollings. If I can, however, I would like to be helpful in trying to work with the Senators from Washington to accommodate their interest. As the funding for this acquisition is contained in the House supplemental appropriation, I can assure my colleagues that it will be discussed in conference. I will give it every consideration at that time.

Mr. ADAMS. As usual, the acting subcommittee chairman has been very helpful in working with us on this issue of such importance to our State. I believe his offer to consider this request in conference would indeed be satisfactory.

Mr. EVANS. I would like to add that I believe the Senator from Louisiana has been quite helpful and I want to thank him for his cooperation.

Mr. CHAFEE. Mr. President, on behalf of Senators PELL, KERRY, KENNEDY, and myself I would like to engage the distinguished floor manager of the supplemental appropriations bill in a short colloquy.

The supplemental appropriations bill passed by the House of Representatives includes a provision to earmark $50,000, within available funds, for use by the Department of the Interior to initiate startup activities for the Blackstone River Valley National Heritage Corridor. This money would be used to establish a commission and to prepare the cultural heritage and land management plan as authorized in Public Law 99-647.

The Blackstone River Valley National Heritage Corridor Act, passed by Congress and signed into law by the President last November, authorizes the National Park Service to join a cooperative effort of Rhode Island and Massachusetts to showcase the history and culture of 46 miles of the Blackstone River between Worcester, MA and Slater's Mill in Pawtucket, RI. The Blackstone River Valley is the birthplace of the American industrial revolution. This is where we fought an economic battle that changed the world.

In order for a commission to be established and get on with the important work of planning the corridor, I would ask the distinguished floor manager if he would give me an assurance that when the supplemental appropriations bill is in conference, that he would consider acceding to the House regarding the Blackstone River Valley National Heritage Corridor.

Mr. JOHNSTON. Mr. President, I thank my colleagues from Rhode Island and Massachusetts for bringing this to my attention. I would ask the Senator from Rhode Island whether the $50,000 requested in the supplemental appropriations bill is part of, or in addition to the $250,000 authorized in Public Law 99-647?

Mr. CHAFEE. I would be glad to answer the inquiry of the Senator from Louisiana. The $50,000 requested in the House supplemental appropriations bill would initiate start up activities for the Blackstone River Valley National Heritage Corridor, and would be in addition to the $250,000 authorized in the act.

Mr. JOHNSTON. I thank my distinguished colleague, and would ask one further question. Does the Senator contemplate any future costs, other than the $250,000 authorized in the law, for things such as land acquisition or staffing, which Congress may be asked to fund?

Mr. CHAFEE. I would respond to the distinguished floor manager that at this time, no further funding, other than that authorized in the bill, is contemplated.

Mr. JOHNSTON. It is my understanding that the $50,000 for the Blackstone River Valley National Heritage Corridor would enable the groundwork to be laid so that the commission will be able to produce a high quality land management plan when it begins work in the next fiscal year. I can assure my colleague from Rhode Island that I will consider acceding to the House regarding the Blackstone River Valley provision during the House-Senate conference on this bill.

Mr. CHAFEE. Mr. President, on behalf of Senators PELL, KERRY, KENNEDY, and myself I thank the distinguished Senator from Louisiana for his assurances. I would ask that a statement by Senator KERRY regarding funding for the Blackstone River Valley National Heritage Corridor be printed in the RECORD immediately following this colloquy.

BLACKSTONE HERITAGE PARK

Mr. KERRY. Mr. President, I am in full agreement with my distinguished colleague from Rhode Island on the tremendous need to get necessary funding in order for the Blackstone River Valley National Heritage Corridor to get off the ground.

Mr. President, today in Lowell, MA, we can witness first hand the huge success of a heritage park authorized and appropriated by Congress a decade ago, which has helped transform a depressed mill town into a thriving community. The Lowell park has enhanced, and as the park continues to be built, further improves the city of Lowell by turning the city into an open, public museum where a vital period of American history is perma-

nently on display for everyone to enjoy. I might add, Mr. President, that the startup money that our Government provided the city to begin the Lowell Heritage Park project has created an atmosphere in which an impressive private/public partnership investment has developed that equals 14 to 1.

Similar to the city of Lowell 10 years ago, over the years, the Blackstone Valley has undergone serious economic and unemployment problems. If Congress is willing to appropriate a mere $50,000 to start the commission which Senator CHAFEE has mentioned, I believe we will be well on our way in helping to address an economic problem that is long overdue. This essential heritage park has the potential, and I am convinced will provide thousands of job opportunities in Worcester County and throughout the Blackstone Valley. I am confident that the quality of the leadership in Worcester County and in the Blackstone Valley will take this opportunity and build it into a future filled with economic promise. I thank my distinguished colleague Senator CHAFEE, for bringing up this important issue and I too urge the distinguished acting subcommittee chairman, Senator JOHNSTON, to accede to the recommendation in the House bill during the House-Senate conference.

Mr. BAUCUS. Mr. President, I have been seriously concerned about the implementation of a recently established payment policy for the use of Indian Health Service Contract Medical Care Funds. The policy would restrict payment to rates no higher than the prevailing Medicare allowable rates and would also require competitive contracting. This policy was developed after considerable study by the General Accounting Office, the Office of Technology Assessment, and an interagency task force. The general intent of the policy is to conserve scarce funding resources so as to provide the maximum amount of health care for the lowest possible price to Indian beneficiaries.

Nevertheless, I have been concerned that, in the implementation of the new policy, especially in rural areas such as Montana, the network of health providers could have been adversely affected with the concomitant decline in the provision of health care to Indian beneficiaries.

As a result of my concerns, I was initially inclined to offer an amendment to slow or stop the implementation of this new policy. However, I was advised that such an amendment would result in a need for additional millions of dollars in budgetary resources and offered no guarantee that the rural health care providers, such as those in Montana, would receive the necessary relief.

In working with the Interior Appropriations Subcommittee, I have been able to secure a statement from Assistant Surgeon General, Everett R. Rhoades, M.D., which indicates his awareness of the problem in rural areas such as Montana and his pledge to initiate discussions which he believes would lead to an arrangement acceptable to the tribes, the hospitals and the Indian Health Service. Dr. Rhoades has indicated that he will consider adjusting the implementation of the new policy in a way that takes into account the adverse consequences of a possible hospital closure on Indian health care.

Dr. Rhoades has further pledged that he will convey this philosophy to the Indian Health Service area director in Billings, MT. He has expressed to me his confidence that a meeting of all parties involved can result in an acceptable resolution.

Mr. President, based on this reassurance, I will not offer an amendment at this time. I wish to express my thanks to the distinguished acting subcommittee chairman, Mr. JOHNSTON, and ranking minority member, Mr. MCCLURE, for their assistance. I hope I will be able to continue to count on the support of the distinguished acting subcommittee chairman in this matter.

Mr. JOHNSTON. I thank the distinguished Senator from Montana [Mr. BAUCUS] for his kind remarks. I thank the Senator for not offering an amendment at this time and I shall be pleased to continue to be of assistance.

Mr. BAUCUS. I thank the distinguished acting manager. I ask unanimous consent that the communication from the Assistant Surgeon General be printed in the RECORD at this point.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
May 22, 1987.

MEMORANDUM

From: Director, Indian Health Service.
Subject: Issues on Policies Relating to Payment of Diagnostic Related Group Rates and Competitive bidding.
To: For the record.

During the past few years, the Indian Health Service (IHS) has been engaged in issues relating to the implementation of a procurement regulation which provided the guidance to Federal agencies relating to assurance of competition in the awarding of contracts for services.

The purchase of health services through a process of competition involves the acknowledgment of such controversial and obvious concerns as quality of care, continuity of care, tribal opinions, etc. This regulation recognizes these concerns and provides some flexibility to address them; but in so doing, it becomes highly complex, complicated, and therefore easily misinterpreted.

More recently, at the direction of the Congress and the Administration, IHS has begun implementing a payment policy of purchasing care from the private sector at rates that do not exceed the established rate allowable for Medicare, also referred to as Diagnostic Related Group (DRG) rate, at each respective facility. Instructions have been issued by the IHS to implement this policy in a manner or time frame that would not result in the destruction of health care to Indian patients. Again, misinterpretations of this policy have created major concerns among the medical communities in some States where a portion of the Indian population is receiving their care primarily from the private sector. For example, IHS is currently aware of issues involving hospitals in the State of Utah and in the State of Montana.

For Utah, a recent publication of the American Hospital Association (AHA) newsletter of March 30, 1987, contained an article which provided information pertaining to the above issue. This article stated that the Utah Hospital Association (UHA) was successful in convincing the Administrator, HRSA, and the Director, IHS, to withdraw a rule. This statement is incorrect. The IHS did not withdraw a rule but in fact implemented the action in the way it has said it would; that is, with slow implementation and concern for the care of Indian patients.

The following explanation of facts and events represent a more accurate picture of the handling of this issue.

In November 1986 the IHS Phoenix Area Director, Chief Medical Officer, and Executive Officer began discussing a new method of handling contracts for those health services contracted to private providers in the Uintah & Ouray Service Unit, located at Fort Duchesne, Utah.

Initial meetings were held involving the Ute tribe of Fort Duchesne, Utah, the Utah Hospital Association, and Administrators for the Duchesne county hospital, (Roosevelt, Utah), and the Ashley Valley Hospital (Vernal, Utah). Over the past several years the IHS has purchased inpatient and emergency services from Duchesne County Hospital at billed charges. In FY 86 the IHS expended just under $1,000,000 for these services.

During FY 1987, the IHS Phoenix Area Office intended to initiate a competitive procurement action requiring Duchesne County Hospital and Ashley Valley Hospital to bid on the provision of health services, if interested in the business, with a proviso that IHS would pay no higher than the hospitals' established Medicare rate.

Through a series of meetings involving all parties and at one point the Director, IHS, and Administrator of Health Resources and Services Administration (HRSA), an agreement was reached that would allow both hospitals to participate in the provision of services with their Medicare rates as a ceiling. It was further agreed that IHS would not send out it's competitive procurement instrument until after the second quarter of FY 87 thus allowing the Tribe and both hospitals time to plan and prepare for future dealings with IHS.

Both of these facilities are in the range of 32-40 bed hospitals with an occupancy rate of 30-45%. The economy of the Area is somewhat depressed as it closely relates to the oil industry.

In April, the competitive procurement action was initiated by sending a request for proposal (RFP) to both hospitals as well as all other major hospitals which provide services to IHS in Utah. Since many of the hospitals provide services both to the Navajo and Phoenix Areas of the IHS the procurement action is a combined effort and

a contract negotiated as a result of the this process is applicable to the Phoenix Area, Navajo Area, and Tucson Area Offices. This releases several hospitals in Utah from having to negotiate separate contracts with separate Area Offices.

In Utah, the interest of the Ute Tribe and the IHS is to obtain the best quality of care at a fair price and to spread the services of the Tribe between the two facilities but not do irreparable harm to Duchesne County hospital by competing the entire service.

For Montana, the IHS is now aware of similar concerns being expressed by selected hospitals which are similar to those expressed by the Utah hospitals. The IHS believes that the discussions and negotiations carried out in Utah are generally applicable to other rural areas and is willing to initiate similar discussions which I believe would lead to an acceptable arrangement to the Tribes, the hospitals, and to IHS.

The IHS is aware of the serious plight of many smaller rural hospitals in relation to DRG rates but cannot be expected to correct funding problems associated with the development of the DRG rates themselves. Since the primary concern of the IHS is the well-being of Indian patients, the IHS will consider adjusting the implementation of the policy in a way that takes into account the adverse consequences of hospital closure on Indian health care.

I will convey this philosophy to the IHS Area Director in Billings, Montana. I am confident that a meeting of all parties involved can result in an acceptable resolution. I would be glad to provide a person from my immediate office to attend such a meeting provided the Area Director is present.

EVERETT H. RHOADES, M.D.,
Assistant Surgeon General.

Mr. CRANSTON. Mr. President, in his floor statement regarding this supplemental appropriation bill, H.R. 1827, the chairman of the House Interior Appropriations Subcommittee clearly indicated that it is the House Appropriations Committee's intent that the Forest Service use its inholding account to purchase the Torre Canyon Ranch in and adjacent to the Los Padres National Forest in California. This acquisition is the highest priority of the Forest Service's Pacific Southwest Region.

It's my understanding the Forest Service is presently reviewing an independent appraisal of the 1,179 acre ranch property. Preliminary estimates set the value at $2.3 million. I am advised further by the Forest Service that there is adequate money in the inholding and composite land acquisition account to acquire the Torre Canyon Ranch. Additionally, this supplemental bill overturns the administration's deferral of inholding and composite funds.

I would like to ask the acting chairman of the Senate Interior Appropriations Subcommittee if it is also the Senate Committee's intent that the Forest Service purchase the Torre Canyon property using fiscal year 1987 funds.

Mr. JOHNSTON. I'm pleased to respond affirmatively to the inquiry from the Senator from California. It is the committee's intent in the 1987 appropriation that the Forest Service purchase the Torre Canyon property this year. The committee expects the Forest Service to follow normal procedures to establish the value of the property.

Mr. STEVENS. Mr. President, last year, through the efforts of my colleagues from Alaska, Senator FRANK MURKOWSKI and Representative DON YOUNG, Congress enacted the Haida Land Exchange Act of 1986, which authorizes up to $11 million to be appropriated from the Land and Water Conservation Fund for the Forest Service to purchase a group of very beautiful islands in southeast Alaska owned by the Haida Native Village Corp.

Unfortunately, because the Haida Land Exchange Act was approved so late in the session, we were unable to fund the land acquisition in the Fiscal Year 1987 Interior Appropriations Act. I do not intend to pursue this issue on the bill pending before the Senate today—the fiscal year 1987 supplemental appropriations bill—but I would like to take this opportunity to reaffirm the commitment Congress made last year to the Haida people.

I hope that my friends, the distinguished majority leader, who serves as chairman of the Interior Appropriations Subcommittee, Senator JOHNSTON, the acting subcommittee chairman, and Senator MCCLURE, the distinguished ranking Republican member of the subcommittee, will support my efforts to secure an appropriation for the Haida acquisition in the fiscal year 1988 Interior appropriations bill.

Mr. JOHNSTON. Mr. President, I understand the concerns of my colleague from Alaska, and I want to assure him that the Interior Appropriations Subcommittee will address this issue in the fiscal year 1988 appropriations cycle.

Mr. MCCLURE. Mr. President, I understand the concern expressed by my colleague from Alaska, and assure my friend from Alaska that the subcommittee will address this issue during the fiscal year 1988 cycle.

Mr. STEVENS. Mr. President, I thank my good friends for their assurances.

REGARDING THE LONGMONT DAMS

Mr. WIRTH. If the Senator will yield, I would like to engage the distinguished Senator from Louisiana in a colloquy on an issue that is very important to the State of Colorado.

In 1933, the city of Longmont acquired three reservoir sites that had been constructed on national forest lands and which were transferred to the National Park Service when Rocky Mountain National Park was established.

These reservoirs have, since then, been used to supply water for the city of Longmont, and for irrigation of agricultural crops. Of course, the city has perfected its water rights under State law, and the United States was a party to several judicial proceedings where the city gained approval for its use of the water in these reservoirs.

During the 1960's, the National Park Service developed its policy of gradually removing most man-made structures from Rocky Mountain National Park. At about the same time, the Colorado State engineer began to express concerns about the safety of these high mountain dams. In 1968, the Park Service notified the city that it was interested in acquiring the city's reservoir sites within the park. Since then, the city has been negotiating with the Park Service on an agreement to sell the reservoir sites to the Federal Government. This would be good for the Park, since the reservoir sites could be reclaimed. And it would be fair to the city, which could enlarge a reservoir outside the park to store the water that was being stored in the high mountain reservoirs.

Finally, in 1984, the National Park Service submitted to the Department of the Interior a proposal to acquire these three reservoir sites for $1.9 million. And that is where this effort began to make its twists and turns. At that time the Department was considering the Park Service's proposal, the Solicitor's office suggested that the city may not have a compensible property interest in the reservoirs. The Department then dropped its plans, and sought approval for a declaration of taking.

That action caught many of us by surprise—and it certainly caught the city by surprise, since it had negotiated in good faith with the Park Service for almost 15 years. But to the city's credit, they continued to work with the Park Service and the Department.

That work paid off, because the Interior Department has now concluded that it made a mistake—in their words, "the likelihood of success by the Government in a forfeiture action is remote and would take years to resolve." The Government is now back where it started—it wants to acquire the three dam sites and has sought approval from the appropriate committees of Congress for its proposal to reprogram existing funds to do that.

It is my understanding that the distinguished majority leader, in his capacity as chairman of the Interior and Related Agencies Subcommittee of the Appropriations Committee, yesterday signed a letter to Secretary of the Interior Hodel notifying him that the subcommittee has no objection to the reprogramming request. Is that also the understanding of the distinguished Senator from Louisiana?

Mr. JOHNSTON. The Senator is correct.

Mr. WIRTH. The city of Longmont has to make a decision in the near future about whether it should begin repair work on these reservoirs. That work is necessary for safety purposes, if the Federal Government is not going to acquire the dam sites. And the city has assured me several times that they will not simply abandon these reservoirs. At the same time, the city and the Park Service know that repairing the reservoirs would cause some significant impacts to the fragile alpine ecosystem around the reservoirs.

In short, the Park Service's proposal to reprogram the funds needed to acquire these dam sites makes good environmental sense, and it is fair to the city of Longmont. But time is of the essence and the other body has not yet approved the reprogramming request.

May I inquire of the distinguished Senator from Louisiana if he intends to raise this issue during the conference with the other body on this Supplemental Appropriations bill, to request its assent to this reprogramming request from the Department of the Interior?

Mr. JOHNSTON. The Senator from Colorado is correct. As the Senator knows, I am a strong supporter of the national parks, and I think this proposal has a great deal of merit. If the appropriate House Subcommittee has not acted by the time the conference committee meets, the Senate conferees will raise this issue and try to resolve it during the conference. I assure the Senator from Colorado that we will work with him to bring this matter to a close as soon as possible.

Mr. WIRTH. I want to thank the distinguished Senator from Louisiana and the distinguished majority leader, and their staffs, for their cooperation in this endeavor. This is a matter which can and should be resolved soon, and which can be resolved without the necessity for additional appropriations from the Treasury. My colleague from Colorado and I are greatly appreciative of the accommodation of the Senators from Louisiana and West Virginia, and look forward to working with them to fruition of this effort.

Mr. ARMSTRONG. Mr. President, there is nearly universal opinion that the reprogramming request for Longmont Dams should be approved. Rarely have I seen such widespread support for such a project. But the plain fact is that the reprogramming request to allow the Federal Government to acquire dams located within the Rocky Mountain National Park enjoys the support of:

The Department of the Interior
The National Park Service
The Department of Justice
The senior Republican on the Senate Appropriations Interior Subcommittee
The chairman of the Senate Appropriations Interior Subcommittee.
The city of Longmont
The State of Colorado
The two Senators from Colorado

At issue is three dams that have been assessed as hazards by the State of Colorado and immediate repair is required. These dams are located in Rocky Mountain National Park, and are owned by the city of Longmont. The city is prepared and willing to make the repairs necessary. But the National Park Service believes the dams are inappropriate for the Rocky Mountain National Park, so has requested for the last several years that the dams not be repaired. The Park Service and the city of Longmont negotiated a settlement. To pay the terms of the settlement, the Park Service proposed a $1.9 million reprogramming. All that is needed for this reprogramming to proceed is for Congress to give its blessing.

I hope this colloquy will speed the necessary settlement. There is no reason for further delay.

MORNING BUSINESS

Mr. BYRD. Mr. President, if there is no other Senator who wishes to address the subject of the pending amendment, and the Senator from Louisiana has indicated that the amendments which could be taken without rollcall votes have been disposed of for this afternoon, I now request a period for the transaction of morning business, not to exceed 30 minutes, with Senators being permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN INVOLVEMENT IN THE PERSIAN GULF

Mr. EXON. Mr. President, I wish to speak on a very, very important matter that I think has not received sufficient consideration on the floor of the U.S. Senate, although there have been many discussions in the hallways and off the floor of the Senate, that has to do with the impending crisis in the Persian Gulf and the involvement of the United States further in the war between Iran and Iraq.

I apologize to my colleagues for being so late in rising on this very important subject, but the RECORD will show that a week ago yesterday, the Thursday before last, the Senator from Nebraska was on the floor. At that time, I read a letter that I had written to the President of the United States calling his attention to the fact and asking him to do something about the fact that we had our men and our ships essentially naked from air cover in the upper reaches of the Persian Gulf and almost nothing, if anything, was being done about it. In fact, simultaneously, the administration publicly announced that they were going to start even further involvement by allowing the flag of the United States of America to be flown on Kuwaiti oil tankers and that as a result of that, we would evidently agree to escort them in and out of the Persian Gulf.

On that same Thursday, the U.S. Senate passed a measure that called upon the President and the administration to give a report to Congress on the whole situation over there. Of course, it has not been enacted into law because it was attached to the appropriations bill that we have been bogged down on now for several days. But at least at that time, it was an expression of concern as far as the U.S. Senate was concerned.

There had been some meetings, I understand, and I have had some reports on those meetings. But the facts of the matter are, I think, essentially that the U.S. Senate and the House of Representatives are pretty much asleep at what is going on today. I think the Reagan administration, in its typical blunderbuss fashion, is moving ahead not knowing where they are going or how they are going to get there to solve the military problems in the Persian Gulf. They are very rapidly moving, in the opinion of this Senator, toward further serious involvement in the war between Iran and Iraq.

One thing about this administration: it never learns. This Senator and others who have been and will continue to be strong in support of the military interests of the United States of America warned a few years ago against the lack of wisdom of sending Marines into Beirut, and it happened.

The administration seems to have learned absolutely nothing from the tragic probable accident that happened with regard to the U.S.S. *Stark*. Supposedly, from information that had filtered back to me from some of the Senate leadership, the administration was at least enough concerned about our interest—"our" meaning the U.S. Senate—in this and also some interest in the House of Representatives, that they are at least talking. As we have learned piecemeal, the hard way, through the current select committee hearings on the Iran-Contra affair, the administration never comes forward willingly, because they like to do things their way, the Rambo way. They really feel that Members of the U.S. Senate and the House of Representatives should come dogtailing along.

This is one U.S. Senator that is not going to dogtail along without speaking up and bringing this up as often as I think is necessary to alert this body to what I am very much concerned about. Until I get some of the answers

to what I think are legitimate questions, I am going to keep harping on this subject.

I am worried, Mr. President, and I think all of us should be worried, about where the administration is taking us today, probably without any kind of legitimate plan—at least none that anyone can understand as of now. I am wondering, Mr. President, if about the same scenario did not take place a few years ago, when the Gulf of Tonkin resolution passed this body without the Members fully understanding or realizing for sure what was going on.

This afternoon, Mr. President, there was one of those flash news conferences over at the White House. I just received word on it. The President came on the tube and he said, "The United States of America will not be pushed out of the Persian Gulf." Then Mr. Frank Carlucci, his National Security Adviser, came on later and filled in the details. That is of further concern to me, that the President of the United States does not have a hands-on policy with regard to this very serious situation today in the Middle East.

Mr. Carlucci said that the delay that they have announced, the delay in flagging and protecting Kuwaiti ships, oil tankers, was not because of congressional pressure—not at all. It was as a result of the fact that it was taking longer than the administration had originally anticipated to go through the mechanism of allowing the American flags to go on the Kuwaiti oil ships. Then, as I understand it, it would follow that an American captain would go on that Kuwaiti oil carriers. Then we would be in a position, because of those actions, to provide the escort that was necessary or deemed necessary for the Kuwaiti oil carriers.

Mr. Carlucci also said that they did not feel that continuous air cover for our fleet was necessary, but whatever air cover was necessary could be provided outside of the Persian Gulf, supposedly on aircraft carriers.

A week ago yesterday, this Senator stood on this floor and wondered aloud, why is it that we are risking American men and American ships in the Persian Gulf without any air cover whatsoever, none.

We are going to have some hearings on this matter next week in the Armed Services Committee. We sent invitations to testify to the Secretary of Defense and the Secretary of State, and the next day we are going to take this up with the Joint Chiefs of Staff. I hope they show up. They may send over their assistants. They do that from time to time. I am not sure that the Armed Services Committee should agree to that because I think it is time, Mr. President, that the U.S. Senate and its appropriate committees be fully and completely advised as to what is occurring.

I suggest, Mr. President, if we do not do that, we are not carrying out the responsibilities that we were elected by our people back home to carry out.

Since Mr. Carlucci says, Mr. President, that adequate air coverage can be provided for our fleets outside of the Persian Gulf, the question that begs an answer is, why was it that sufficient air cover was not provided to protect the *Stark*?

I ask again, Mr. President, the question I asked in my letter to the President of the United States which I read on the floor a week ago yesterday: Mr. President, is it not vitally important, if we are going to involve ourselves further in that war, that we ask friendly Arab States which would most benefit from the continued flow of oil out of the Persian Gulf to provide us landbase facilities for tactical fighter aircraft?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. Mr. President, I was not under the impression that we were under time restraints. Was that originally agreed to?

The PRESIDING OFFICER. There was a time limitation that was agreed to earlier.

Mr. EXON. I ask unanimous consent that I be allowed to proceed for an additional 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EXON. Mr. President, the situation that confronts us over there is how are we going to provide tactical aircraft coverage for that fleet, especially if we are going to move into this new area.

Mr. President, air coverage for our ships and our men is obviously needed in that area, as proven by the fact that we almost lost a ship and lost 37 lives on the *Stark*, and I can assure you that had there been air cover, that Iraqi fighter which mistakenly or otherwise launched two missiles at the *Stark*, would have been challenged a long time before it had an opportunity to lay those eggs, friendly aircraft or otherwise.

Mr. President, this Senator is not suggesting that we cut and run. This Senator is not suggesting that we should be forced out of the Persian Gulf; because I think that, as much as anyone here, I recognize the critical geopolitical nature of that part of the world.

The point I am trying desperately to make is that if we are going in and if we are going to use force, which may be necessary to protect our geopolitical interests, even though it is not in our military interests or our economic interests to keep the oil coming out of the gulf—because we use very little of it, Japan about half of it, and our European allies about another 35 percent, so it is not critical to us—but we have a geopolitical problem there; and I recognize that the Soviet Union, for a long time, has wanted a warm-water port, and I am not about to hand that to them on a silver platter.

What I am saying and what I am warning is that I think this administration is foolhardy, and I think it borders on malfeasance in office, if it is going to continue its role of using American flags to protect Iranian transport without adequate air cover.

The only way adequate air cover can be maintained is to ask Saudi Arabia or some other friendly country there for temporary bases, to allow us to assist them in trying to bring some measure of order to that part of the world.

So it is not good enough, in this Senator's eyes, that we have a problem over there and we recognize it. I do not want to pull out. But I want the administration to get the clear signal that this is one U.S. Senator who is going to continue to draw them up short every time I feel they do not know what they are doing and where they are striking out to risk American lives through folly and ill planning of our military activities.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I commend the Senator from Nebraska for his statement. I think he has put his finger on a problem we have in this country, one which may become a more serious problem; namely, the failure of this country to adequately think through the implications of its military operations overseas.

We need only remind ourselves of Vietnam. We need only remind ourselves of military involvement in Central America, particularly Nicaragua. We need only remind ourselves of sending Marines to Beirut and what happened to our Marines just outside of Beirut. Now we are becoming more militarily involved in the Persian Gulf.

I think it is a symptom of the American tendency to think in the short term. It is the American tendency to fix on the present. It is the inability of this country to think longer term, to plan down the road and think through the implications of its actions.

That is particularly important because we are the world's largest, most powerful military and economic power. When we Americans become involved, our actions are not insignificant. They are very significant.

I think this is primarily an American problem. Certainly, in recent years, it has been the problem of this administration.

I think the Senator from Nebraska has forcefully, adequately, and eloquently delineated some recent problems.

But I think it is also fundamentally an American problem. It is one that we as the administration, the Congress and the people have to address sufficiently.

I think the Senator from Nebraska is to be very much commended for putting his finger on a very significant problem and calling attention to it and hoping that more of us work more together and more fully think through the implications of our military actions.

DEPLETION OF UPPER ATMOSPHERE OZONE

Mr. BAUCUS. Mr. President, I was very alarmed today to wake up and read in the newspapers that the administration is backsliding, to put it mildly, on its efforts to control the emissions of chlorofluorocarbons not only in this country but in other countries in the world.

Mr. President, the upper atmosphere ozone that covers our world is depleting. It is depleting very rapidly, and that is very alarming because with upper atmosphere ozone depletion there is going to be and is a rising incidence of skin cancer, a rising incidence of failure of human and animal immune systems, and a rising incidence of retina cancer and other human problems and also problems with plants and animals, because of the depletion of upper atmosphere ozone.

The problem is very simply this: Science is more and more blaming the depletion of upper atmosphere ozone on the production of chlorofluorocarbons. Chlorofluorocarbons are the materials that are put in air-conditioners and refrigerators. They are used in foam, in making cushions. A lot of McDonald's cartons use chlorofluorocarbons. The little cartons you get a Big Mac or quarter-pounder of cheese in are made of chlorofluorocarbons. They are a gas. The chlorine in the carbons rises up to the upper atmosphere in the stratosphere, and chlorines are like bullets. They hit all those ozone molecules and split them apart and continue to split them apart. The lifespan of a chlorine molecule in the upper atmosphere is about 75 years. They just keep splitting apart ozone molecules.

That is why the upper atmosphere ozone is depleting raidly and significantly and all trends and all analyses show rising increases of skin cancer and the breakdown of the human immune system and other adverse reactions because of the depletion of upper atmosphere ozone.

Our country has been a leader in recent years in encouraging American reduction of production of CFC's as well as encouraging other countries to reduce the production of CFC's. That is until I read this morning's newspaper.

We Americans banned chlorofluorocarbons in aerosol cans. That is a significant advance forward, a significant reduction in the production of CFC's and, therefore, it tends to cut back on depletion of upper atmosphere ozone.

We also in our country now are trying to further reduce the production of CFC's. The Environmental Protection Agency recently concluded a risk assessment and concluded that worldwide production of CFC's should be frozen. Then there should be a 50-percent reduction in the production of CFC's, with over about 12 years a 95-percent phaseout of the production of CFC's.

That was the position of the Environmental Protection Agency and also it was the position of the U.S. State Department in trying to negotiate an agreement with other countries to cut back on the production of CFC's worldwide.

Mr. President, originally other countries balked. They resisted the U.S. efforts, but in the last several years, at Geneva, Vienna, and various meetings we participated in, these other countries are beginning to agree. Japan, Europe, and even developing countries who want refrigeration because they want to grow, want even air-conditioning because they want to grow, are also beginning to realize this is a world problem.

On the Spaceship Earth we are together as people on this planet and we have to find a way to begin to reduce the production of chlorofluorocarbons.

Only a couple of weeks ago, when Administrator Lee Thomas appeared before our Environmental and Public Works Committee, he agreed that we have to move very forcefully and he is a leader in trying to get this country and other countries to agree to reduce the production of CFC's.

I read in this morning's paper that Interior Secretary Hodel and various officials in the OMB are not only backsliding, they are saying it is not a problem; that if you want to protect yourself from skin cancer, from the increased ultraviolet radiation, wear sunglasses, wear a hat, wear a sunscreen. That is how you protect yourself from skin cancer or from the increased ultraviolet radiation due to the reduction of the ozone in the outer atmosphere.

That is like saying you should abolish the Clean Air Act and wear a gas mask. That is exactly what the administration is saying. I find it astounding that a public official of the U.S. Government would say: "No; the way to protect yourself from skin cancer is not to reduce the production of chlorofluorocarbons but, rather, to wear a hat when you go outside or wear dark glasses," and so forth.

So, Mr. President, I just want to conclude by saying that many of us in this country do not agree with those very myopic, ostrich-like statements of Interior Secretary Hodel and OMB officials who are just worried abut production. They do not care about people. That is my view, anyway.

Many of us live in the West, and we have to work outside. Sure, we protect ourselves against excessive sunlight. But I think all of us who spend a lot of time outside in hayfields and in the farm and ranch communities and other activities want to also attack the source, and that is the excessive production of CFC's.

Mr. President, I strongly urge the administration to take another look, to be more responsible, and, therefore, take a leadership position at the next round of international negotiations to get a worldwide agreement for the reduction of CFC's.

As an aside, I will say that Du Pont Chemical is moving to reduce the CFC production. They are developing substitutes. Du Pont is the largest producer of CFC's in this country. If they are moving to find substitutes—and, in addition, some automobile industries are moving to find substitutes so that they can develop air-conditioning systems in their cars to use chemicals other than CFC's—at the very least, the Interior Secretary and OMB should follow suit, as well.

There is an opportunity for us to do something that is right for Americans and the world and that is reach an international agreement. I think, frankly, it is not too far-fetched to say that that could be a good precedent for other international agreements. If we could reach an international agreement to cut back excessive production of chlorofluorocarbons and, therefore, protect the upper atmosphere of the ozone to reduce the ultraviolet rays that come down on us, that might be a precedent for other international agreements. And, who knows, maybe even an arms control agreement.

But, let us be leaders as Americans. Because if we do not do that, we are going to squander our position of leadership and others are going to take up our leadership vacuum and we Americans could end up economically behind as well as environmentally behind.

Again, I urge the administration to come forward and deal with this.

Mr. President, I yield the floor.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. GORE. Mr. President, I would like to join my colleagues, Mr. WIRTH and others, in expressing my outrage that the administration would consider a policy of encouraging the use of sunglasses and sunscreeen to protect

the public from harmful ultraviolet radiation rather than working for a substantive international agreement to maintain the Earth's protective stratospheric ozone layer.

I support the State Department's efforts to negotiate a global freeze followed by a reduction in the production of ozone-depleting chemicals. We must act now to preserve the stratospheric ozone layer which protects all life on Earth from the Sun's harmful ultraviolet radiation.

We have a responsibility to future generations to preserve the world's environment. It is ludicrous to bury our heads in the sand and hope that our activities will not harm the Earth. There is now evidence that humankind cannot continue to pour ever increasing quantities of chlorofluorocarbons into the air. These chemicals are entirely from human activity. We are creating the problem and we are capable of solving it.

The Environmental Protection Agency projects that with present growth rates in the emissions of CFC's, there will be an additional 40 million skin cancer cases and 800,000 deaths for Americans alive today and born in the next 88 years. The EPA also projects an additional 12 million cataract cases. The increased ultraviolet radiation would damage crops and aquatic biosystems. Ground-based ozone, smog, would increase. The ozone-depleting chemicals are also greenhouse gases, which increase the Earth's temperature. Increasing temperatures will cause the oceans to rise, flooding coastal areas.

It is absurd to believe that hats and sunscreen will protect us from all the effects of increased ultraviolet radiation. It makes no more sense than backyard bomb shelters protecting us from nuclear war. The best way to protect the public is to protect the environment by limiting the production of ozone-depleting chemicals. I urge the administration to reconsider their position. The United States should be a leader in protecting our global environment.●

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished assistant Republican leader if Calendar Order No. 136 has been cleared on his side of the aisle.

Mr. SIMPSON. Mr. President, that item is cleared on this side.

Mr. BYRD. I thank the Senator.

PURCHASE OF CALENDARS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 136.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 223) relating to the purchase of calendars.

The PRESIDING OFFICER. The Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 223) was agreed to, as follows:

S. RES. 223

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $70,720 for the purchase of one hundred and four thousand 1988 "We The People" historical calendars. The calendars shall be distributed as prescribed by the committee.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I believe the following unanimous-consent requests have been cleared. I will proceed to present them to the Senate.

BILL PLACED ON CALENDAR—H.R. 1947

Mr. BYRD. Mr. President, I ask unanimous consent to place on the calendar a bill just received from the House, H.R. 1947, which provides enhanced retirement credit for U.S. magistrates.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL HELD AT THE DESK—H.R. 1659

Mr. BYRD. Mr. President, I ask unanimous consent that H.R. 1659, to increase the per diem rates for payments by the Veterans' Administration to States for hospital care, and for other purposes, be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT RESOLUTION TO BE PLACED ON CALENDAR—H.J. RES. 283

Mr. BYRD. Mr. President, I ask unanimous consent that House Joint Resolution 283, to recognize the service and contributions of the Honorable Wilbur J. Cohen, be placed on the calendar when received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT RESOLUTION PLACED ON CALENDAR—H.J. RES. 280

Mr. BYRD. Mr. President, I ask unanimous consent that House Joint Resolution 280, to commemorate the 300th commencement at Ohio State University, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

BICENTENNIAL MINUTE

MAY 29, 1917: JOHN F. KENNEDY IS BORN

Mr. DOLE. Mr. President, John F. Kennedy was born 70 years ago today, on May 29, 1917. While best remembered as the 35th President of the United States, John Kennedy was also a Member of Congress for 13 years. During that time, he demonstrated great affection for and interest in congressional history.

After a distinguished career in the Navy during World War II, Kennedy was elected to the House in 1946 for the first of three terms. He represented the same district that his maternal grandfather, John F. Fitzgerald, had served a half-century before. In 1952, he successfully ran for the Senate and he was reelected in 1958.

In 1954, Kennedy underwent a serious operation to relieve terrible pain in his back. During the long convalescence, he began work on a series of sketches of American politicians who had risked their careers in the cause of principle. The result was the book "Profiles in Courage," which won the 1957 Pulitzer Prize for biography. Each of the eight courageous men profiled in the book—John Quincy Adams, Daniel Webster, Thomas Hart Benton, Sam Houston, Edmund Ross, Lucius Quintus Cincinnatus Lamar, George Norris, and Robert Taft—had been a Senator at some point in his career.

John Kennedy also left behind, in the Capitol itself, a mark of this esteem for the Senate's history. In 1955 the Senate established a special commemorative committee to identify "five outstanding persons from among all persons * * * who have served as Members of the Senate * * *." Senator Kennedy was named chairman of that committee and he directed its difficult task with great skill. Today, we remember him with many memorials. We should include among them the five medallion portraits of outstanding Members that, thanks to his direction, now grace the walls of the Senate reception room.

PRESIDENTIAL STATEMENT ON PERSIAN GULF

PRESIDENT SPEAKS ON GULF

Mr. DOLE. Mr. President, this afternoon, the President spoke to the Nation on the situation in the Persian Gulf.

The President's remarks rightly stressed our determination to remain in the gulf; to defend vital American interests there; and to strike back if we are attacked, whether by Iran or anyone else.

NOT JUST AMERICAN PROBLEM

The President also noted that this is not just an American problem, or American challenge. Our allies in NATO and Japan have vital interests at stake. The President—and Presidential spokesman Marlin Fitzwater, in followup comments—pledged that we will be following up with our allies, in pursuit of coordinated actions, both at the Venice summit and through other channels.

FLAGGING ISSUE DEEMPHASIZED

I was also pleased that the President put heavy emphasis on matching any security guarantees we make with our military presence in the gulf. Making clear commitments, and backing them up with our military forces, as necessary—is the way to go.

That, and not the question of flagging Kuwaiti vessels, is the key. And I note that the President did not mention the flagging plan specifically, and Fitzwater mentioned it only briefly.

So, the President gave an excellent statement. I ask, unanimous consent that the full text of both the President's and Fitzwater's, statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

The PRESIDENT. I want to speak directly this afternoon on the vital interests of the American people, vital interests that are at stake in the Persian Gulf area. It may be easy for some, after a near record 54-month economic recovery, to forget just how critical the Persian Gulf is to our national security.

But I think everyone in this room and everyone hearing my voice now can remember the woeful impact of the Middle East oil crisis of a few years ago—the endless, demoralizing gas lines, the shortages, the rationing, the escalating energy prices and double-digit inflation, and the enormous dislocation that shook our economy to its foundations.

This same economic dislocation invaded every part of the world, contracting foreign economies, heightening international tensions and dangerously escalating the chances of regional conflicts and wider war.

The principal force for peace in the world—the United States and other democratic nations—were perceived as gravely weakened. Our economies and our people were viewed as the captives of oil-producing regimes in the Middle East. This could happen again if Iran and the Soviet Union were able to impose their will upon the friendly Arab states of the Persian Gulf and Iran was allowed to block the free passage of neutral shipping.

But this will not happen again, not while this President serves. I'm determined our national economy will never again be held captive; that we will not return to the days of gas lines, shortages, inflation, economic dislocation and international humiliation. Mark this point well—the use of the vital sea lanes of the Persian Gulf will not be dictated by the Iranians. These lanes will not be allowed to come under the control of the Soviet Union. The Persian Gulf will remain open to navigation by the nations of the world. Now, I will not permit the Middle East to become a choke point for freedom or a tinderbox of international conflict.

Freedom of navigation is not an empty cliche or—of international law. It is essential to the health and safety of America and the strength of our alliance.

Our presence in the Persian Gulf is also essential to preventing wider conflict in the Middle East and it's a prerequisite to helping end the brutal and violent six-and-a-half-year war between Iran and Iraq. Diplomatically, we're doing everything we can to obtain an end to this war and this effort will continue.

In summary then, the United States and its allies maintain a presence in the Gulf to assist in the free movement of petroleum, to reassure those of our friends and allies in the region of our commitment to their peace and welfare, to ensure that freedom of navigation and other principles of international accord are respected and observed. In short, to promote the cause of peace.

Until peace is restored and there's no longer a risk to shipping in the region, particularly shipping under American protection, we must maintain an adequate presence to deter and, if necessary, to defend ourselves against any accidental attack or against any intentional attack. As Commander-in-Chief, it's my responsibility to make sure that we place forces in the area that are adequate to that purpose.

Our goal is to seek peace rather than provocation. But our interests and those of our friends must be preserved. We're in the Gulf to protect our national interests and, together with our allies, the interests of the entire Western world. Peace is at stake. Our national interest is at stake. And we will not repeat the mistakes of the past.

Weakness, a lack of resolve and strength will only encourage those who seek to use the flow of oil as a tool, a weapon to cause the American people hardship at home, incapacitate us abroad, and promote conflict and violence throughout the Middle East and the world.

STATEMENT BY MARLIN FITZWATER

The President met today with his National Security Advisors to review U.S. Persian Gulf policy and U.S. plans for the protection of U.S. flagged ships operating in the Gulf.

The President reviewed the diplomatic efforts being made to end the Iran-Iraq war. He reaffirmed U.S. efforts to obtain a United Nations Security Council Resolution calling for an end to the war, to include mandatory sanctions. Diplomatic efforts to strengthen Operation Staunch will be intensified. The President directed additional consultation with our allies and will be raising the issue at the Summit in Venice.

The President also directed his advisors to provide continued full consultation to the Congress and to begin preparation of reports to the Congress on our proposed action.

The President clearly reaffirmed U.S. policy to remain in the Persian Gulf to protect vital U.S. national interests.

The President received a detailed presentation on the military plan to protect U.S. flag and naval vessels and approved the plan for further development. It was clear from the presentation that U.S. military forces have the capability to escort U.S. flag vessels in the Gulf to deter potential attacks and defend themselves against threats from belligerent powers. The escorting of reflagged ships will begin when the President decides. The capability exists now.

HONORING DON BIVENS, RETIREMENT FROM THE SOIL CONSERVATION SERVICE

Mr. SASSER Mr. President, today I wish to pay tribute to Mr. Donald Bivens, of Brentwood, TN. Don recently retired as the State conservationist and administrator of the Soil Conservation Service in Tennessee after 36 years of service with the Department of Agriculture.

Don Bivens grew up in Athens, TN. He attended Tennessee Technological University and has completed graduate work at the University of Oklahoma and Harvard University.

Don began work with the SCS in 1951, shortly before the appointment of my father, Ralph Sasser, as the director of the SCS. Since that time, Don has worked with the Soil Conservation Service in Tennessee, Indiana, Missouri, Colorado, and Oregon.

Don was appointed as the administrator of the Tennessee SCS in April 2 1975. In the last 12 years, he has received several Outstanding Performance Awards from the SCS for his work in Tennessee. His commitment to protecting our natural resources and developing conservation plans has been unyielding since he first began work with my father over 30 years ago.

Don's experience and knowledge will be sorely missed in Tennessee. His contributions to conservation measures have been invaluable. Once thought to have some of the worst soil erosion problems in the country, west Tennessee implemented strong and effective soil conservation plans under Don's guidance. These plans have saved farmers millions of dollars, while protecting water resources across the State.

Over the last 7 years, Tennessee has reduced its average soil erosion rate from 16 tons per acre each year to less than 9 tons per acre each year. This type of leadership has been instrumental in bringing highly erodible cropland out of production and ensuring conservation of Tennessee's most valuable natural resource.

We are proud of the accomplishments of Don Bivens in Tennessee. I can say that he has succeeded my

father well as the State conservationist, and Ralph Sasser would be proud of the commitment to soil conservation that Don Bivens has established in Tennessee.

THE INTERNATIONAL HUMAN RIGHTS LAW GROUP HONORS YURI ORLOV, CARDINAL SILVA, AND SENATOR HARKIN

Mr. PELL. Mr. President, on May 28 the International Human Rights Law Group held its second annual Human Rights Law Awards dinner at the National Press Club here in Washington. In the 2 years that these awards have been granted they have come to be recognized as especially noteworthy honors for outstanding action in the defense of human rights. The law group has enlisted a remarkable stable of lawyers which it has harnessed to the service of human rights, both by means of general proclamations and, particularly, by the painstaking case-by-case work through which legal action can be made to serve the cause of individual human rights. Much of the law group's work is carried out by younger attorneys, often on a voluntary basis. Those recognized at this year's dinner with the Pro Bono Service Awards included Laura Bocalandro, Lea Browning, Margaret Popkin, Martha Roadstrum Moffett, Stephen J. Schnably, and Ralph G. Steinhardt.

Highlights of the evening were the presentations of Human Rights Law Awards to Dr. Yuri Orlov, the Soviet human rights activist now at Cornell University in New York, to Raul Cardinal Silva Henriquez of Chile, and to our distinguished colleague, the junior Senator from Iowa, TOM HARKIN. Senator HARKIN gave a particularly moving address in accepting this award, and I ask that the text of his remarks be printed in the RECORD at this point, along with the citations of the three honorees as set forth by the International Human Rights Law Group in making these awards.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR TOM HARKIN BEFORE THE INTERNATIONAL HUMAN RIGHTS LAW GROUP, WASHINGTON, DC, MAY 28, 1987

From El Salvador to Liberia, from South Korea to South Africa, the International Human Rights Law Group has used the law to promote respect and observance of human rights. You have served as a voice of vigilance in monitoring elections in Guatemala, Nicaragua and the Philippines, and thus helped to spur a rebirth of democracy in Latin America and Asia.

I am proud to be honored along with Yuri Orlov, who suffered a decade of hard labor simply for seeking what he was already supposed to have, the liberty promised all Soviet Citizens under the Helsinki Accords.

I am pleased to stand here with an old friend Cardinal Silva. I recall the first time Cardinal Silva and I met was in 1976 at his residence in Santiago.

During lunch, Cardinal Silva confided that he found it sad that the United States was "not sending the right message" to Latin America.

The United States, he said, was the only nation in the world founded on a philosophy of respect for human rights. "We find it very confusing and disturbing," he continued, "when we hear the United States talk so much about its support for human rights and then see your government continue to support and encourage repressive regimes throughout Latin America and other parts of the world."

I have never forgotten Cardinal Silva's words. For me, they constitute both the shortcomings and the continuing challenge for U.S. foreign policy.

In 1974 when I first came to Congress there were no laws—not one—that prohibited the United States from supporting economically and militarily those nations which committed gross violations of human rights.

My personal experience in seeing the Con Son Prison of South Vietnam where political prisoners were caged like wild animals and tortured, made me determined to see what I could do to change that.

Many said at the time that a freshman congressman shouldn't be involved in these things. Most of these people were the same ones who said human rights should not be put into law.

There are times when one must heed the counsels of caution and seniority. But I knew the time for waiting on human rights had long since passed.

So step by step, with the aid of many in this room, we first conditioned U.S. economic aid, then military assistance, and finally assistance through international financial institutions on a government's compliance with basic human rights standards.

What we demanded and eventually got was simply this: a requirement in law that U.S. foreign policy be conducted in compliance with international human rights declarations adopted after the Second World War.

These decrees, starting with the Universal Declaration of Human Rights, signaled a dramatic recognition that concern for human rights was no longer divided by national boundaries or regional loyalties.

And that when it is the official—or unofficial—policy of a government to violate the human rights of its citizens, then those citizens have no recourse but to appeal to a higher law that exists beyond their borders.

The security of the person, the freedom from torture and prolonged detentions without charges, and freedom from genocide, are not ideals or goals to be aimed at. They are rights—inalienable rights we possess by virtue of our common humanity.

Virtually all nations now endorse the principle of human rights but few governments put this commitment into practice. If anything, the codification of international human rights law has served to highlight the stark contrast between principle and practice around the world.

Even more disturbing is the use of the law to legitimize dictatorships—on both the left and the right—and to justify continued repression of the individual.

This institutionalization of cruelty makes more difficult the struggle to transform the principle of human rights, and protection of the individual, into a universal practice.

South Africa's apartheid system, which reaps profits from the enslavement of others and denies a person fundamental rights solely because of the color of his or her skin, has been built on an edifice of laws.

In Marxist-Leninist regimes, the law is a tool of institutionalized oppression. Free association, open political expression, and an independent judiciary are all sacrificed at the altar of the "state." In the Soviet Union, hundreds of thousands of Jews risk imprisonment simply because they have sought the freedom to travel, a right promised them since 1948 by the Universal Declaration of Human Rights.

In South Korea and Chile, the law is used to sanction state-sponsored terrorism.

South Korean President Chun has manipulated political instability to end talks with the democratic opposition, keep Kim Dae Jung under house arrest, and pave the way for further repression.

Chile, a nation with a 150-year tradition of democracy, has become under General Pinochet the model of a fascist state. Legalism fronts for official violence and violence gives laws their only legitimacy.

Indeed, as human rights activists, the path before us is strewn with hardships and difficulties. As lawyers, our task of making the law a tool for liberation, instead of an instrument of repression, is equally formidable.

But when I am about to lose hope, I remember the words of Cardinal Silva—"The United States is the only nation in the world founded on a philosophy of human or inalienable rights."

Tragically, on the 200th anniversary of our constitution, many in our government seemed to have lost sight of these principles.

Confronted with a lawless world, the current administration has embraced lawlessness. Its substitute for Latin America's "liberation theology" is an all-encompassing "contra ideology."

In pursuit of this ideology, the administration has ignored Congress, lied to the American people, and violated its treaties and agreements with other nations.

And I must say, frankly, that we can talk all we want about international human rights, but if the leading nation of the free world violates its own laws and its international treaties and undermines our nation's most basic moral and legal principles, then there is little hope for human rights progress anywhere.

But I did not come this evening to deliver a message of despair.

There is hope in the fact that while human rights laws have been abused, they have not been abandoned.

We held on to reject the nomination of Ernest Lefever.

We held on to adopt sanctions against the hated apartheid regime of South Africa. And we held on to convince the administration that our best policy was to remove—not embrace—Marcos.

It is time that we tie U.S. power to a commitment to human rights—and the test of that commitment must be respect for the law.

It is time that we restore to our policy idealism and the vision of America as the international apostle of human dignity.

It is time that we recognize that America's real strength rests in its role as a moral beacon, not as an arms supplier for the rest of the world.

First, we must take the lessons learned from South Africa and the Philippines and begin to shape a policy based on the princi-

ple that tyranny of any kind against individual freedom anywhere is unacceptable.

We must stop the policy of squandering our nation's credibility on false prophets of freedom like Jonas Savimbi and Adolfo Calero. If we don't, our nation will be dragged down the long, dark and shameful corridors reserved for those who possess power without compassion, might without morality, and strength without sensitivity.

Instead we must support the establishment of genuine democratic institutions and the protection of human rights, and pursue a policy driven not by the fear of communism, but by the hatred of poverty, injustice, and oppression.

It is time we support the real freedom fighters, Bishop Tutu, Yuri Orlov and Cardinal Silva. We owe them a debt of gratitude. They have fought for freedom, only to risk their own, but in so doing they have sparked the conscience of the entire world.

Second, we must use our diplomatic, political and in some cases economic resource to encourage democratic transitions. Our support for democracy must mean more than providing airline tickets for dictators moments before the democratic hopes of their people sour and turn to violence. We must anticipate trouble spots—where human rights and political freedoms are denied—and be prepared to act.

Chile is one such spot. Administration policy there has made a dramatic turnabout since Ambassador Barnes came to Santiago. But Chilean democrats deserve more than flexibility and mixed signals.

What's needed now is resolve and a strong signal that it will no longer be business as usual so long as Pinochet remains in power.

For Chile, the question is not whether we arm the forces of freedom but whether we stop funding the forces of oppression.

Likewise, the time has come to act in South Korea. The democratic oppositions' demand that the new Korean presidential elections fully reflect the will of the Korean people is not unreasonable.

President Chun's actions are.

In Chile as in South Korea, it is time we use our diplomacy and trade as incentives for internal accord and reforms leading to free and fair elections and the end of repression.

Finally, we must do all we can to help those nations—Argentina, Brazil, the Philippines, and others—which have taken their first halting steps toward democracy.

We must match moral and economic support, with assistance in monitoring elections and human rights progress—so that we prevent the military from undermining the democratic movements we seek to encourage.

Walter Lippmann once said, "A policy is bound to fail which deliberately violates our pledges and principles, our treaties and our laws, because the American conscience is a reality."

Current policy is now paralyzed because the administration has forgotten that our real strength comes not from the barrel of a gun—but from our ideals and our example. The writings of Thomas Jefferson and Tom Paine have done more to influence people in other lands than all the East Bloc rifles, Stingers, and TOW missiles combined.

I now see the possibilities of a new era of progress on human rights.

With your continued commitment, let us go forward and reclaim a human rights policy consistent with our principles and worthy of America's leadership role in the world.

Raul Cardinal Silva Henriquez served as Archbishop of Santiago de Chile for more than twenty years before his retirement in 1983. He founded the archdiocesan Vicariate of Solidarity to aid the politically persecuted, investigate cases of missing persons and press the Chilean Government for human rights. He also established Chile's Catholic Charities organization, which distributes food, clothing and medicine to the poor.

Tom Harkin is a United States Senator from Iowa. His name became permanently associated with the cause of human rights when he sponsored an amendment to the Foreign Assistance Act calling for a halt in economic aid to countries engaged in gross violations of human rights. The Harkin Amendment served as a foundation on which later human rights legislation was built. His dedication to international justice has been matched by his work to feed the hungry—he has received the Bread for the World "Distinguished Service for Hunger" Award.

Yuri Fyodorovich Orlov spent ten years of his life in Soviet labor camps and exile because of his heroic commitment to human rights. Dr. Orlov, a nuclear physicist, was dismissed from his job in 1956 after suggesting that those responsible for Stalin-era excesses be brought to justice. In 1976, he became Chairman of the Moscow Helsinki Watch Group, a human rights organization which works to monitor Soviet compliance with the Helsinki Accords. In 1986, he was allowed to emigrate to the U.S., where he resumed his profession at Cornell University.

THE INTERNATIONAL HUMAN RIGHTS LAW GROUP

Known for its independence and objectivity, the International Human Rights Law Group has fought for human rights in more than 40 countries around the world, including the Soviet Union, South Korea, Chile, Liberia, Romania, Nicaragua and Argentina. The Law Group provides free legal assistance to victims of human rights abuse and brings cases in U.S. courts and international forums. The Law Group promotes the enforcement of international law and the strengthening of international organizations dedicated to human rights.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolutions were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1947. An act to amend title 5, United States Code, to provide enhanced retirement credit for U.S. magistrates:

H.J. Res. 280. Joint resolution to observe the 300th commencement exercise at the Ohio state University on June 12, 1987.

H.J. Res. 283. Joint resolution recognizing the service and contributions of the Honorable Wilbur J. Cohen.

MEASURES HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent pending further disposition:

H.R. 1659. An act to amend title 38, United States Code, to increase the per diem rates for payments by the Veterans' Administration to States for hospital care, domiciliary care, and nursing home care provided to veterans in State homes, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-161. A petition from the Governor of the State of Tennessee giving notice of disapproval of proposed sites for the construction of a monitored retrievable storage facility; to the Committee on Environment and Public Works.

POM-162. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION No. 210

"Whereas, civilian nuclear reactors are being used for the generation of electric power and other purposes and are accumulating large amounts of high-level radioactive waste and spent nuclear fuel that must be isolated from the environment and be buried in a permanent, deep geologic repository; and

"Whereas, the national censensus for the handling of spent nuclear fuel as expressed in the Nuclear Waste Policy Act of 1982, P.L. 97-425, 42 U.S.C. Sections 10101, et seq. places an explicit statutory responsibility on the Department of Energy to construct and operate a permanent deep geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste; and

"Whereas, the Nuclear Waste Power Act of 1982 also directs the Secretary of the United States Department of Energy, in accordance with 42 U.S.C. Section 10161, to study the need for and feasibility of a Monitored Retrievable Storage (MRS) facility for processing and storage of high-level radioactive waste and spent nuclear fuel and to prepare plans for such a facility to be submitted to Congress; and

"Whereas, the Secretary of the Department of Energy, on or about March 30, 1987, submitted to the United States Congress a proposal for authorization to construct an MRS facility on the Clinch River in the Roane County portion of Oak Ridge, Tennessee, at the site of the once-proposed Clinch River Breeder Reactor; and

"Whereas, neither the people of the State of Tennessee nor its elected representatives and officials have been allowed any meaningful input or involvement in the development of the plans for the Tennessee MRS; and

"Whereas, the U.S. Department of Energy has not addressed questions and recommendations presented in the report of the Clinch River task force, including recommendations for the establishment of a review board composed of representatives from the affected cities and counties and the state which would have full access to information concerning operations of the facility and authority to suspend operations upon full and convincing evidence of a threat to public health and safety; and

"Whereas, the U.S. Department of Energy has made no recommendations to mitigate the potential adverse economic impact from locating the facility in Roane County and the surrounding areas, locations which have already been adversely affected by earlier actions of the Department of Energy; and

"Whereas, the proposed MRS is an unnecessary component of a national system to dispose of the high-level radioactive waste and spent nuclear fuel generated by the nation's civilian nuclear power plants; and

"Whereas, because the proposed MRS is unnecessary, the proposed facility would create unwarranted and unnecessary health risks for Tennesseans and potential harm to their environment from the transportation, handling, and storage of spent nuclear fuel and high-level radioactive wastes; and

"Whereas, the Environmental Policy Group of the Tennessee Department of Health and Environment has prepared a comprehensive study delineating the reasons why an MRS should not be constructed in Tennessee, a study in which the General Assembly concurs; and

"Whereas, 42 U.S.C. Section 10136(b) vests in the Tennessee General Assembly and the Governor of the State of Tennessee, the right to notify Congress of disapproval of the Secretary of Energy's designation of the proposed MRS site on the Clinch River in the Roane County portion of Oak Ridge, Tennessee; and

"Whereas, the General Assembly recognizes the controversy as to when the Tennessee General Assembly is empowered and entitled under 42 U.S.C. Section 10136(b) to exercise its right to issue a notice of disapproval to Congress, and therefore desires to exercise said important right at the earliest reasonable time to ensure Tennessee does not lose its right of notice of disapproval; and

"Whereas, the General Assembly desires that the exercise of its right to issue a notice of disapproval should be in conjunction with any such notice issued by the governor of the state of Tennessee: Now, therefore, be it

"Resolved by the Senate of the Ninety-fifth General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly disapproves, in accordance with 42 U.S.C. Section 10161(h) and Section 10136(b), of the designation by the Secretary of the United States Department of Energy of a site on the Clinch River in the Roane County portion of Oak Ridge, Tennessee, which is the site of the once-proposed Clinch River Breeder Reactor, as a location for construction of a Monitored Retrievable Storage facility: Be it further

"Resolved, That the Clerk of the Senate shall transmit this Resolution to the Speaker of the United States House of Representatives and the President pro tempore of the United States Senate at the same time which the Governor submits a similar disapproval notice, should he elect to do so, but in any event, such transmission shall ensure its receipt by the Speaker of the United States House of Representatives and President pro tempore of the United States Senate no later than May 29, 1987, unless a clear decision by a federal court of competent jurisdiction rules that a notice of disapproval issued at that time would not be timely under the Nuclear Waste Policy Act. Be it further

"Resolved, That the Clerk of the Senate shall transmit, along with this Resolution, the study prepared by the Environmental Policy Group of the Tennessee Department of Health and Environment, which shall be considered the General Assembly's formal reasons for disapproving the proposed siting of an MRS in Tennessee, pursuant to 42 U.S.C. Section 10136(b)."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, with an amendment:

S. 806. A bill to provide that the Clayton Act and Sherman Act apply to the air transportation industry (Rept. No. 100-61).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. John R. Galvin, [redacted], U.S. Army.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. CHILES, Mr. HEFLIN, Mr. STENNIS, Mr. BUMPERS, Mr. PRYOR, Mr. SANFORD, Mr. SHELBY, and Mr. FOWLER):

S. 1297. A bill to amend the National Trails System Act to provide for a study of the De Soto Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S. 1298. A bill for the relief of the Merchants National Bank of Mobile, Alabama, to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. SIMON, Mr. BIDEN, and Mr. KENNEDY):

S. 1299. A bill to amend the McCarran-Ferguson Act to limit the Federal antitrust exemption of the business of insurance, to reaffirm the continued State regulation of the business of insurance, and for other purposes; to the Committee on the Judiciary.

By Mr. DURENBERGER:

S. 1300. A bill to permit secondary mortgage market financing for residential properties that include small day care centers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY:

S. 1301. A bill to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised on July 24, 1971, and for other purposes; to the Committee on Judiciary.

By Mr. EXON:

S. 1302. A bill to authorize the Secretary of Commerce to establish the Science and Technology Advisory Committee, to provide assistance in connection with long-term basic scientific research and student assistance in math, science, computer science, and engineering, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WEICKER (for himself, Mr. INOUYE, Mr. ADAMS, Mr. BOND, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. CHILES, Mr. DODD, Mr. DURENBERGER, Mr. GLENN, Mr. GORE, Mr. HOLLINGS, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Mr. MCCLURE, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SIMON, Mr. STEVENS, Mr WARNER, and Mr. WILSON):

S.J. Res. 142. A joint resolution to designate the day of October 1, 1987, as "National Medical Research Day"; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. ADAMS, Mr. BIDEN, Mr. BRADLEY, Mr. BURDICK, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. DANFORTH, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DURENBERGER, Mr. EVANS, Mr. GRAHAM, Mr. GRASSLEY, Mr. GORE, Mr. HECHT, Mr. HEINZ, Mr. INOUYE, Mr. KARNES Mr. KASTEN, Mr. KENNEDY, Mr. LEVIN, Mr. MATSUNAGA, Mr. MCCAIN, Mr. MCCONNELL, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PACKWOOD, Mr. PELL, Mr. PROXMIRE, Mr. PRYOR, Mr. REID, Mr. RIEGLE, Mr. ROTH, Mr. ROCKEFELLER, Mr. SANFORD, Mr. STAFFORD, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. WEICKER, and Mr. WILSON):

S.J. Res. 143. A joint resolution to designate April 1988, as "Fair Housing Month"; to the Committee on the Judiciary.

By Mr. WIRTH:

S.J. Res. 144. A joint resolution designating the week beginning October 18, 1987, as "Financial Independence Week"; to the Committee on the Judiciary.

S.J. Res. 145. A joint resolution designating the week beginning June 21, 1987, as "National Outward Bound Week"; to the Committee on the Judiciary.

By Mr. WIRTH (for himself and Mr. GARN):

S.J. Res. 146. A joint resolution designating January 8, 1988, as "National Skiing Day"; to the Committee on the Judiciary.

By Mr. LEVIN:

S.J. Res. 147. A joint resolution designating the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week"; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 148. A joint resolution designating the week of September 20, 1987, through September 26, 1987, as "Emergency Medical Services Week to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. CHILES, Mr. HEFLIN, Mr. STENNIS, Mr. BUMPERS, Mr. PRYOR, Mr. SANFORD, Mr. SHELBY, and Mr. FOWLER):

S. 1297. A bill to amend the National Trails System Act to provide for a study of the De Soto Trail, and for other purposes; to the Committee on Energy and Natural Resources.

STUDY OF DE SOTO TRAIL

Mr. GRAHAM. Mr. President, the recent archaeological find in Tallahassee, FL, of the probable site of Hernando De Soto's 1539 winter camp underscores the reality that the history of the earliest days of exploration and discovery of this Nation is still being written.

A century before the first settlement at Jamestown, the Spaniards were aggressively exploring and attempting to colonize Florida and the region which now includes most of our Southern States.

We know that the trail De Soto and his expedition carved out from 1539 to 1543—a trail more bloody than benign—a trail which yielded no gold nor glory as it progressed through at least 10 Southern States: Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, Arkansas, Texas, and Louisiana. We know that that trail was one of the greatest expeditions of the New World—and one of the causes of the eventual decimation of the American Indian population.

The De Soto Trail can still teach us about out past. It deserves to be marked and reexplored in our time.

For this reason I am today introducing legislation, with my colleagues Senators BUMPERS, CHILES, FOWLER, HEFLIN, PRYOR, SANFORD, SHELBY, and STENNIS, which authorizes the study of De Soto's Trail.

May 30 commemorates the landing of De Soto's expedition in Florida. In 2 years, in 1989, we will celebrate the 450th anniversary of that landing.

This bill is written as an amendment to section 5 of the National Trails System Act to add the De Soto Trail as one of the historic routes to be studied in accordance with the objectives outlined in the act.

We have built in a 1-year deadline for the study—so that the actual trail, as it is determined by the study, can be legislatively designated and marked in time for the 450th anniversary.

This legislation complements the efforts made by several of the States involved to identify and preserve the trail.

Florida has completed more than three-fourths of the De Soto Trail within the State's borders and the recent discovery and planned purchase by the State of the Tallahassee campsite will add volumes to our knowledge of the life and times of De Soto and his men.

Hernando De Soto died on the banks of the Mississippi River in 1542, a broken and disappointed man. Although the rest of his expedition continued on in the name of the Spanish Empire, pushing across the South, they never found any cache of Indian treasure—nor mapped out an overland route to Mexico.

De Soto's goals were never achieved.

By marking the trail De Soto set, we continue that famous expedition. Today we know that knowledge of the past is a treasure more priceless than gold. The route he discovered was really a trail blazed into the future.

De Soto irrevocably altered the history and pattern of Western civilization, as we follow in his footsteps, we will fill in the epic narrative of where we have been.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "De Soto National Trail Study Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Hernando de Soto landed in the vicinity of Tampa Bay on May 30, 1539;

(2) de Soto then led his expedition of approximately 600 through the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, and Arkansas;

(3) de Soto died on the banks of the Mississippi River in 1542;

(4) the survivors of de Soto's expedition went on to Texas, then back through Arkansas, and into Louisiana in search of a route to Mexico;

(5) the de Soto expedition represented the first large group of Europeans to explore so deeply into the Southeastern region;

(6) archeologists have recently uncovered, in Tallahassee, Florida, what may have been de Soto's first winter camp;

(7) the State of Florida has completed identification and marking of close to three-fourths of de Soto's trail in that State; and

(8) several other States are in the process of identifying and marking de Soto's trail within their borders.

SEC. 3. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

"(31) De Soto Trail, the approximate route taken by the expedition of the Spanish explorer Hernando de Soto in 1539, extending through portions of the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, to the area of Little Rock, Arkansas, on to Texas and Louisiana, and any other States which may have been crossed by the expedition. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to its suitability for designation not later than one calendar year from the date of enactment of this paragraph.".

By Mr. METZENBAUM (for himself, Mr. SIMON, Mr. BIDEN, and Mr. KENNEDY):

S. 1299. A bill to amend the McCarran-Ferguson Act to limit the Federal antitrust exemption of the business of insurance, to reaffirm the continued State regulation of the business of insurance, and for other purposes; to the Committee on the Judiciary.

INSURANCE COMPETITION IMPROVEMENT ACT

● Mr. METZENBAUM. Mr. President, today I am introducing legislation to amend the McCarran-Ferguson Act to repeal the blanket exemption of the business of insurance from the Federal antitrust laws. I am pleased to be joined by Senators SIMON, BIDEN, and KENNEDY in this effort.

This legislation has three purposes: First, to reaffirm the authority of the States to regulate insurance; second, to promote free competition in the sale of insurance by eliminating the industry's general immunity from the antitrust laws; and third, to clarify the legality under the antitrust laws of certain joint activities of insurers, such as pooling historical loss data, which are essential to the business of insurance and clearly not anticompetitive.

This legislation supercedes S. 80, a bill I introduced earlier this session which would have repealed the McCarran-Ferguson Act in its entirety. The purpose of that legislation was exactly the same as the purpose of this legislation: To subject insurance companies to the antitrust laws while preserving the full power of the States to regulate and tax their activities. S. 80 was misconstrued by some to represent an effort to substitute Federal for State regulation of insurance. This was never my intent. My present bill eliminates any confusion by stating clearly and unequivocally that the "continued regulation and taxation by the several States of the business of insurance is in the public interest."

There is nothing inconsistent about applying the Federal antitrust laws to insurance companies while preserving State regulation of the industry. In the original debates on the McCarran-Ferguson Act, President Franklin Roosevelt himself saw no inconsistency. Urging Congress not to sacrifice the antitrust laws, he wrote that:

There is no conflict between the application of the antitrust laws and effective state regulation of insurance companies, and there is no valid reason for giving any special exemption from the antitrust laws to the business of insurance. The antitrust laws prohibit private rate fixing . . . the antitrust laws do not conflict with affirma-

tive regulation of insurance by the states such as agreed insurance rates if they are affirmatively approved by state officials. (CONGRESSIONAL RECORD vol. 91, part 1, 79th cong., 1st session p. 482 (1945)).

The Congress plainly did not intend to repeal the application of the antitrust laws to insurance when it enacted McCarran-Ferguson. The history of the act was exhaustively examined by the 1979 national commission for the review of antitrust laws and procedures. In its report to the President and the Attorney General, it concluded that:

Both the language of the McCarran-Ferguson Act, and the Act's legislative history, make clear that the purpose of the insurance immunity was to permit state regulatory mechanisms to function without Federal intervention, and not to give the industry broad license to operate without antitrust scrutiny. As the Supreme Court recently noted, the purpose of making antitrust immunity dependent on state regulation was to end the "system of private government" prevalent in the insurance industry before McCarran-Ferguson, and while agreements among insurers might be permitted, "public supervision of agreements is essential."

Nevertheless, as historically interpreted by the courts, the exemption has in fact served as a broad grant of immunity for unsupervised collective behavior by insurers. Courts have refused to require that the state regulation be comprehensive or effective as a condition for permitting immunity to attach. Rather, as one court put it, "if a state has generally authorized or permitted certain standards of conduct, it is regulating the business of insurance under the McCarran Act." (Report of the commission, p. 232)

Since every State regulates insurance in some way, the result today is that insurance companies enjoy a virtually absolute exemption from the Federal antitrust laws, contrary to the intent of the Congress when it wrote the McCarran-Ferguson Act.

The case for repealing the insurance industry's antitrust exemption is overwhelming. Insurance companies should be subject to the antitrust laws of this country, just like everyone else. Insurance is vital to the Nation. No one can be secure without it. Yet those who provide it do not have to conform to our national policy of free competition.

How can the Congress explain to the American people why the insurance industry is exempt from antitrust prohibitions that apply to every other industry, when the price of insurance has skyrocketed? How can the Congress explain that the rules of free competition should not apply to this vital industry when authoritative studies, including the landmark report of the Justice Department under President Ford, have concluded that competition, where it has existed, has been beneficial, and that the "full application of competitive principles, as embodied in the Federal antitrust laws, to the business of insurance would be consistent with the public interest." ("The Pricing and Marketing of Insurance," a report of the U.S. Department of Justice to the Task Group on Antitrust Immunities, January 1977, pp.3, 31-34) the Department further found that experience with competitive pricing of insurance "dispelled the historic notion that price competition would result in price wars, mass bankruptcies or excessive profits, the very reasons advanced by the industry for the antitrust exemption granted the industry in 1945." (DOJ report at 31).

Whatever the reasons may have been for an exemption in 1945, there are neon today. Requiring insurance companies to live by the rules of free competition would not disrupt State regulatory programs. It would not prevent insurance companies from sharing information. It would promote competition in the industry, promote lower prices and greater availability of coverage, and insure that consumers have better information about the policies they purchase.

Applying Federal antitrust standards to insurance also would not undercut State regulatory policies regarding ratesetting. Almost all States have abandoned setting specific rates for insurance coverage. Instead, insurance companies have considerable flexibility in setting rates, subject to filing requirements. In addition, the Supreme Court has made clear that business conduct which is subject to a clearly articulated State regulatory scheme and actively supervised by the State is not subject to Federal antitrust law. The Supreme Court has recently held, for example, that collective ratemaking activities, permitted under a clearly articulated and actively supervised State policy, do not violate the antitrust laws. *Southern Motor Carriers Rate Conf.* v. *U.S.*, 471 U.S. 48 (1985).

Another development is the recognition by the courts that joint activities by competitors which promote competition are permissible. The courts have long held that substantial information can be shared among competitors without running afoul of the antitrust laws. More recently, the Supreme Court clearly stated that joint activities which reduce costs and enable products to be marketed more efficiently will be upheld. *Broadcast Music, Inc.* v. *Columbia Broadcasting System*, 441 U.S. 1 (1979). This principle applies to sharing information about risks, joint underwriting of large-scale projects, and other joint activities which promote a more efficient and productive insurance industry. These considerations led the National Commission for the Review of Antitrust Laws and Procedures to recommend in 1979 that:

The current broad antitrust immunity for the business of insurance granted by the McCarran-Ferguson Act should be repealed. In its place, narrowly drawn legislation should be adopted to affirm the lawfulness of a limited number of essential collective activities under the antitrust laws. . . .

The comission believes that the current immunity is not only overly broad, but also unnecessary: those collective activities by insurers that are essential to the functioning of a competitive industry would likely pass muster under the traditional rule of reason analysis of Sherman Act section 1. Similarly, where collective activity or other insurance company behavior is affirmatively mandated by a state in its capacity as sovereign, and effectively supervised by independent state officials, such behavior would fall within the judicially recognized 'state action' exception to the antitrust laws". (Report of the comission, pp. 225-26).

In short, the argument that the insurance industry requires an antitrust exemption to function effectively is nonsense: The antitrust laws allow joint activities by insurance companies which are in the public interest.

The bill which I am introducing today clarifies that certain indisputably essential joint activities would be legal under the antitrust laws. These activities are:

Joint collection and exchange of historical loss data, a task which is essential to accurately assessing risk and which cannot adequately be performed by many insurers acting on their own;

Joint preparation and filing of policy forms, a practice which benefits consumers by promoting the use of standardized forms;

Joint collection and exchange of information on fraudulent claims;

Joint research and onsite inspections for classifying public fire defenses.

This bill also would not affect joint underwriting and pools which do not unreasonably restrain trade, and would leave untouched State-mandated or approved residual market mechanisms, which insure high risk individuals who are not eligible for private coverage.

This list of permissible joint activities is not necessarily exhaustive. If the industry can show that other joint activities are also in the public interest and should not be prohibited by the antitrust laws, then additional, carefully defined exemptions can be made for those activities as well. These issues can best be pursued in hearings on this legislation, where the industry and other interested observers can comment. All other activities would be subject to the antitrust laws, and their legal status would be determined by the courts, applying general antitrust principles.

Repealing the exemption will permit challenges to blatantly anticompetitive activity that is now immune from attack. Currently, a back room conspiracy to fix prices or allocate markets in the insurance industry could not be challenged by the Department of Justice, the Federal Trade Commission, or private plaintiffs.

Repealing the exemption also would allow the Government to enforce the laws prohibiting unfair and deceptive trade business practices against insurance companies which mislead or take unfair advantage of their customers. Insurance companies are among the country's largest national advertisers, spending hundreds of millions of dollars a year on television advertisements and other forms of promotion. Yet today, if an insurance company misleads consumers in its advertising or marketing of insurance, the Federal Trade Commission is, in almost all cases, foreclosed from acting.

Last month the Senate voted to require the Federal Trade Commission to study consumer abuses in the sale of Medigap insurance and the level of rate increases and competition in the property and casualty insurance market. The FTC could study these issues and find, for example, rampant fraud and abuse in the Medigap insurance field and competitive problems in the property and casualty insurance market which could have contributed to the recent affordability/availability crisis. Because of the McCarran-Ferguson Act exemption, though, the FTC would be severely restricted in its ability to halt the abuses. This senseless anomaly would be rectified by repealing the exemption.

In short, the bill I am introducing today would simply apply the same standards of free competition and fair play to insurance that apply to other industries, without in any way diminishing the power of the States to regulate insurance as they do now.

The bill also provides for a delayed effective date to enable the insurance industry to review its activities for potential antitrust liability. In particular, the bill provides that the repeal of the exemption is deferred for 1 year after the date of enactment. In addition, no criminal penalties or treble damages can be assessed for 2 years. Finally, no antitrust remedy is available for 2 years if the defendant in an antitrust case has relied in good faith on an advisory opinion by the Department of Justice. These provisions provide ample time for the industry to review its activities and insure that they are in full compliance with antitrust standards.

This industry is too big, too important to every American, to maintain an antitrust exemption long after its initial justification has disappeared. Today, access to insurance and affordable prices have become critical problems for individuals, businesses small and large, and even governmental bodies. Requiring insurance companies to play by the rules of free competition, just as other companies do, will not solve all of the industry's problems, but it will be a positive—and long overdue—step in the right direction.

Representatives of the Reagan administration and a broad array of business, professional, governmental, labor, and consumer organizations all recognize that the antitrust exemption is not in the public interest and have called for repeal. Even segments of the industry have begun to see the light, and are at least supportive of a congressional reexamination of the exemption.

Congress eventually does the right thing. The antitrust exemption for the business of insurance outlived its legitimate purpose a long time ago. It is time to repeal it.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Insurance Competition Improvement Act of 1987".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the continued regulation and taxation by the several States of the business of insurance is in the public interest; and

(2) the Federal antitrust laws comprise an essential component of congressional policy in favor of competition and consumer protection, and the current broad exemption from the antitrust laws afforded the insurance industry has adversely affected free competition and consumers of insurance.

(b) It is the purpose of this Act to promote free competition among insurers and to protect consumers of insurance by modifying the current antitrust exemption of the business of insurance.

AMENDMENTS TO THE MC CARRAN-FERGUSON ACT

SEC. 3. (a) The first section of the Act entitled "An Act to express the intent of the Congress with reference to the regulation of the business of insurance", approved March 9, 1945 (15 U.S.C. 1011), commonly known as the McCarran-Ferguson Act, is amended by striking out the period and inserting in lieu thereof the following: "; but that a continued broad exemption of the business of insurance from the Federal antitrust laws is not in the public interest.".

(b) Section 2(b) of the McCarran-Ferguson Act (15 U.S.C. 1012(b)), is amended by striking out all after "insurance" the second place it appears and inserting in lieu thereof a period.

(c) Section 3 of the McCarran-Ferguson Act (15 U.S.C. 1013) is amended to read as follows:

"SEC. 3. (a) Except as provided in subsections (b) and (d), the antitrust laws shall apply to the business of insurance and to acts in the conduct of such business.

"(b) The antitrust laws shall not be construed to prohibit any agreement, understanding, or concern of action between or among insurers, any insurance advisory organizations or their members, any individual insurers or any other persons that is limited to—

"(1) collecting, compiling, and disseminating historical data on paid claims or reserves for reported claims from insurers or any other source, provided that such information is made available to an appropriate State regulatory agency;

"(2) preparing and filing policy forms and endorsements for voluntary use by individual insurers;

"(3) conducting research and on-the-site inspections in order to prepare classifications of public fire defenses; and

"(4) collecting, compiling, and distributing information relating to fraudulent claims and other fraudulent practices, provided that such information is made available to an appropriate State regulatory agency.

"(c) Nothing in this Act or any State law shall render the antitrust laws inapplicable to any agreement to boycott, coerce, or intimidate, or to any act of boycott, coercion, or intimidation.

"(d) Insurers and other persons participating in joint underwriting, pools, or residual market mechanisms may, in connection with such activity, act in cooperation with each other in the making of rates, rating systems, policy forms, underwriting rules, surveys, inspections, and investigations, if the residual market mechanism is required by law or is approved by and subject to the active supervision of an appropriate State regulatory agency, or if the joint underwriting or pools do not unreasonably restrain trade.

"(e) Nothing in this Act shall be construed to prohibit any State from establishing or approving a residual market mechanism.

"(f) Nothing in this Act shall be construed to prohibit any State from requiring a worker's compensation and employers' liability insurer to adhere to the uniform classification system and uniform rating plan applicable to these categories of insurance in such State, but no such insurer shall agree with any other insurer or with an insurance advisory organization to adhere to or use any rate.

"(g) As used in this section, the term—

"(1) 'advisory organization' means any organization which is comprised of, or is controlled by, one or more insurers and which prepares policy forms and endorsements for use by its members or subscribers, compiles and promulgates insurance-related statistical data, prepares and revises insurance rating plans and classification systems, and provides assistance in the preparation of insurance rates;

"(2) 'antitrust laws' means the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12 et seq.), and the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

"(3) 'residual market mechanism' means an arrangement, either voluntary or mandated by law, involving participation by insurers in the equitable apportionment among them of insurance which may be afforded applicants who are unable to obtain insurance through ordinary methods;

"(4) 'joint underwriting' means a voluntary arrangement established on an ad hoc basis to provide insurance coverage for a commercial individually rated risk under which two or more insurers contract with the insured at a price and under policy terms agreed upon between the insurers, or negotiated between the underwriter and the insured; and

"(5) 'pool' means a voluntary arrangement, other than a residual market mechanism, established on an ongoing basis, under which two or more insurers participate in the sharing of risks on a predetermined basis by means of an association, syndicate, or other pooling agreement.".

SEC. 4. (a) This Act and the amendments made by this Act shall become effective one year after the date of enactment.

(b) In any action brought under the provisions of the antitrust laws alleging a violation of those laws for conduct that would have otherwise been lawful under the provisions of the McCarran-Ferguson Act on the day before the effective date of this Act, no award of treble damages or criminal penalties shall be awarded against any such person for conduct by such person occurring within two years after the date of the enactment of this Act.

(c) During the two-year period referred to in subsection (b), no relief shall be granted against any person in an action referred to in subsection (b) for conduct by such person during such period, if such person has, in good faith, relied upon an advisory opinion issued by the Department of Justice.●

By Mr. DURENBERGER:

S. 1300. A bill to permit secondary mortgage market financing for residential properties that include small day care centers; to the Committee on Banking, Housing, and Urban Affairs.

SECONDARY MORTGAGE MARKET FINANCING FOR SMALL DAY CARE CENTERS

● Mr. DURENBERGER. Mr. President, not long ago, I received a letter from an individual in my home State, Minnesota, who was turned down for a home mortgage because his wife operated a family day care center in his home. I looked into this matter and learned that this is a real problem for many family day care providers.

Mr. President, as you know, Fannie Mae, Ginnie Mae, and Freddie Mac are federally chartered corporations which purchase home mortgages in the secondary mortgage market. The Federal charters under which these corporations operate limit their involvement to residential mortgages. Because the definition of residential excludes homes with income-producing activities, mortgages on homes where family day care centers are located would not be purchased by these corporations. As a result, bankers are often unwilling to extend mortgages or refinancing to homes with family day care centers because the bank, in turn, will not be able to sell these mortgages to Fannie Mae, Freddie Mac, or Ginnie Mae.

A family day care center is not a huge business enterprise. A family day care center, by definition, is operated in an individual's home. It presents a child care option that many working parents prefer—day care for a small group of children who are closely supervised in a home setting often in the same neighborhood where the parents live. Additionally, most States have regulations or licensing requirements that set limits on the number of children that may be served and ensure that the setting is safe, clean, and pleasant. Considering these circumstances, I do not feel that a definition of residence which excludes family day care centers is appropriate.

The bill I am introducing today would amend the Federal charters for Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to permit mortgages for homes with family day care centers to be eligible for purchase by Fannie Mae, Ginnie Mae, and Freddie Mac.

Mr. President, the need for quality, affordable day care in our country is tremendous. More than half of the women with children younger than 3 work and the number is even higher for women with preschool and schoolage children. And this is a growing trend. In 1979, there were 7.2 million children under age 6 with mothers in the labor force. In 1985, there were 9.6 million. That number is expected to increase to 14.6 million in 1995. The need for child care is particularly acute in Minnesota where the percentage of women working outside the home is the third highest in the country.

Lack of affordable child care can pose a significant barrier to low-income families striving for self-sufficiency, denying parents the opportunity to work, participate in employment programs or attend school. Child care can also affect the productivity of working parents. A study of 5,000 workers in the Midwest found that 58 percent of the women workers and 33 percent of the men with young children felt their child care concerns affected their time at work in unproductive ways.

As policymakers at the national level, we have a role to play in encouraging the development and growth of affordable, quality child care options. The bill I am introducing will remove existing policy which penalizes family day care providers who wish to purchase or refinance their homes. There is no cost associated with this bill. I am pleased to note that this bill will be incorporated into the Economic Equity Act of 1987 and that Congresswoman MARY KAPTUR of Ohio will be introducing the bill in the House. I invite my colleagues to support his valuable initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

MORTGAGES ON PROPERTIES INCLUDING DAY CARE CENTERS

SECTION 1. (a) Section 302(b) of the Federal National Mortgage Association Charter Act is amended by inserting before the period at the end of the last sentence of paragraph (1) the following: ", and such term includes any loan that is secured by a single family residential property that is occupied as a single family residence in which community child care service is provided in compliance with all applicable State or local laws if the loan is otherwise eligible for purchase under this title".

(b) Section 302(h) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following: "Such term also includes a loan or advance of credit that is secured by a single family residential property that is occupied as a single family residence in which community child care service is provided in compliance with all applicable State or local laws if the loan or advance is otherwise eligible for purchase under this title.".●

By Mr. LEAHY:

S. 1301. A bill to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised at Paris on July 24, 1971, and for other purposes; to the Committee on the Judiciary.

BERNE CONVENTION IMPLEMENTATION ACT

Mr. LEAHY. Mr. President, in the gloomy picture of American competition in world trade, there are a few bright spots. One of these is the trade in works of authorship protected by copyright. The world's appetite for American books, sound recordings, motion pictures, computer software, and other copyrighted works appears insatiable.

There are many reasons why the United States is the world's largest exporter of copyrighted works. Prime among them are the skill, inventiveness, and imaginativeness of American authors, musicians, software developers, and other creators. But like any other resource, American creativity will continue to flourish only in the proper environment. Our primacy in the trade in copyrighted works gives us a vital stake in strengthening the world system for the protection of copyright. Today I introduce legislation to advance that goal, by bringing U.S. copyright law into compliance with the standards of the International Convention for the Protection of Literary and Artistic Works, better known as the Berne Convention.

The Berne Convention is 101 years old. What began as a treaty among 10 European nations has grown to be the highest internationally recognized standard for the protection of works of authorship of all kinds. Seventy-eight nations, including all our major trading partners, now measure their copyright laws against this yardstick. Over the past century, the Berne Convention has adapted well to dramatic changes in the technology of creating, distributing, and consuming the products of the human imagination.

World trade in copyrighted works faces even more sweeping challenges in the 21st century. In the years ahead, as in the past, the Berne Convention will provide the central forum in which the rights of creators and consumers can be properly addressed.

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Perhaps in the past it was enough for the United States to observe these developments from a distance, or to participate in them only through the medium of the Universal Copyright Convention, with its lower standards of copyright protection. But today, and in future years, vital American interests can be fully represented in the international copyright system only if we get off the sidelines and onto the playing field, by joining the Berne Convention.

This legislation builds on an accelerating tempo of legislative activity in recent years on international copyright issues. During the 99th Congress, the Senate Judiciary Committee's Subcommitee on Patents, Copyrights and Trademarks conducted extensive hearings on the Berne Convention. The record of those hearings shows a remarkable consensus among authors, publishers, consumers, and government agencies in favor of U.S. adherence to Berne. There is also a degree of consensus about the changes that would be needed in the U.S. copyright law in order to meet Berne standards. Last October, Senator Mathias, the chairman of the Patents, Copyrights and Trademarks Subcommittee, introduced a Berne implementation bill, S. 2904—99th Congress. More recently, on March 16 of this year, Representative ROBERT KASTENMEIER, the Congress' foremost authority on copyright matters, introduced H.R. 1623, a somewhat different legislative approach to the same goal. The bill I introduce today, the Berne Convention Implementation Act of 1987, seeks to synthesize the best of these two proposals. Its goal is to bridge the relatively narrow gap that now prevents the United States from assuming its rightful place among the leaders of the world copyright community.

That gap used to be a wide one, and the contortions that would have been required to bridge it have doomed previous efforts to bring the United States into the Berne Convention. But most of those problems were resolved in 1976, when the U.S. Copyright Act was completely rewritten. Today, our copyright law requires only fine tuning in order to meet Berne's standards.

The bill I introduce today generally follows the minimalist approach of making only those changes to our law which are necessary in order to comply with Berne, without disrupting the smooth operation of the U.S. copyright system. Like the previous legislation on this subject, it proceeds on and makes explicit the well-founded assumption that the Berne Convention is not self-executing, and can only be implemented through legislation passed by both Houses of Congress and approved by the President.

Surely as Berne implementation legislation proceeds through the legislative process, it will be refined and improved. Many of the required changes in domestic law are narrow and technical. For the moment, I will point out just three areas in which the Berne Convention Implementation Act would change U.S. copyright law in order to meet Berne standards.

First, nations adhering to Berne are required to provide copyright protection for architectural works. There is no dispute that U.S. law currently falls short in this area. While the Mathias bill in the last Congress called for protection of architectural works, the formulation in the Kastenmeier bill appears superior in this area, and my bill adopts the provisions of H.R. 1623 with only minor changes.

Second, the existing compulsory license for the performance of musical works on juke boxes is clearly incompatible with Berne. The Mathias bill simply eliminated the compulsory license, but the Copyright Office has argued persuasively that such a drastic step may not be required. H.R. 1623 envisions the negotiation of voluntary license agreements between the performing rights societies such as ASCAP and BMI, and juke box operators, in order to permit juke box performances with adequate compensation to composers. The existing compulsory license mechanism, administered by the Copyright Royalty Tribunal, is retained only as a back up. My bill generally adopts this approach as well, although it differs from H.R. 1623 in spelling out the applicable procedures if voluntary license agreements are not reached, or if they lapse in the future.

Third, the question of copyright registration presents some thorny problems. Berne standards stress the elimination of formalities as preconditions to copyright protection. For this reason, for example, the requirement of copyright notice as a prerequisite for copyright protection is incompatible with Berne, and all the bills proposed on this subject would eliminate the notice requirement. Registration of a copyrighted work with the Copyright Office is not, technically speaking, a condition for the existence of copyright under current U.S. law. It is, however, a precondition for the exercise of any of the bundle of rights conferred by copyright, since, under section 411 of the Copyright Act, no court action for infringement of the copyright may be maintained until registration has been accomplished. The metaphysical distinction between the existence of a right to prevent unauthorized use of a copyrighted work, and the exercise of that right, may be maintainable under other legal systems. But in our legal tradition, which disfavors the creation of rights without remedies, it is more difficult to argue that a hurdle such as registration, which bars the courthouse door to any enforcement of an author's rights, is not a formality inconsistent with Berne standards. This observation is supported by the analysis made by an ad hoc committee of copyright experts at the suggestion of the State Department, which concluded that section 411 creates a prohibited formality, at least as applied to works of foreign origin. Proceeding from this analysis, the Mathias bill simply eliminated this requirement.

However, in my view, some weight must be given to the arguments advanced by the Copyright Office in opposition to the approach taken by S. 2904 in the 99th Congress. The incentive for registration under current law, amounting to a virtual requirement if the author wishes to pursue infringers, may be a bothersome obstacle to enforcement, but it also serves valuable functions, including the creation of a public record of claims to copyright, the minimization of litigation disputes over copyrightability, and a means for the acquisition of copyrighted works by the Library of Congress. The question is whether, if registration is eliminated as a prerequisite to enforcement of copyright, adequate incentives to register remain. The Register of Copyrights has characterized the existing system of incentives as a three-legged stool, and has expressed the fear that the removal of one of the legs—the section 411 requirement—might decrease the volume of registrations, and thereby in some degree frustrate the goals now served by registration. This supposition is debatable, and I am sure it will be vigorously debated as Berne implementing legislation is considered. But if the Register's prediction is correct, the consequences would be undesirable. It is certainly worth exploring ways to strengthen the incentives to register that will remain in our law even after eliminating the one incentive that is incompatible with the standards of the Berne Convention.

Accordingly, my bill takes up the Register's plea to fashion a new leg for the three-legged stool. It eliminates the requirements of existing section 411, but also proposes additional incentives for timely registration by all copyright claimants. These include: The imposition of a registration requirement for criminal enforcement of a copyright; the prospective limitation of statutory damages and attorney's fees as remedies for copyright infringement of a published work to instances in which the work is registered within 5 years after publication; a doubling of the levels of statutory damages, which not only increases the incentive to register, but also takes into account inflation since these levels were originally established in 1976; and enhanced penalties for failure to deposit works with the Library of Congress, since this is an alternative, non-

copyright means by which the completeness of the Library's collections may be assured.

As this proposal is reviewed in the legislative process, these incentives may need to be adjusted. We must scrutinize the evidence, as contrasted with the speculation, that simple elimination of the section 411 requirement will have a deleterious effect on the volume of registrations, and ensure that the force of new registration incentives is commensurate with the strength of the incentive that is being eliminated. The effect of any new incentives to register should be carefully examined, and different incentives should be considered that may further buttress the valuable features of the registration system. The goal is a system that is simple to administer, fair to authors and publishers, and helpful to the legitimate interests of the Library of Congress. An optimal mix of incentives will allow us to avoid resort to the legal fiction that the existing registration prerequisite to enforcement is not a formality inconsistent with the standards of Berne, and with the practice of every major adherent to the Convention.

One further issue should be mentioned: the question of moral rights. The Berne Convention does require member States to provide protection for certain authors' rights, such as right to claim authorship of one's works—the so-called right of paternity—and the right to object to distortion, mutilation, or modification of the work which would be prejudicial to the author's honor or reputation—the right of integrity. Many, although not all, Berne member States provide protection for these so-called moral rights within the context of copyright law. American copyright law currently does not explicitly provide for moral rights. But it does grant to authors the exclusive right to prepare derivative works, which protects authors against any unauthorized distortion, mutilation, or modification, regardless of its effect on the author's honor or reputation. Furthermore, other Federal and State statutes, and the common law of torts, including defamation, protect the interests implicated by moral rights.

The ad hoc committee on copyright experts convened by the State Department studied the moral rights issue in some detail. Its report states that:

> There are substantial grounds for concluding that the totality of U.S. law provides protection for the rights of paternity and integrity sufficient to comply with [Article] 6bis [of the Berne Convention], as it is applied by various Berne countries.

This conclusion is supported by the record of the Senate hearings on Berne during the 99th Congress, including advocates of domestic moral rights legislation. This record provides persuasive evidence that no changes in U.S. copyright law are needed in order to meet Berne's minimum standards with respect to moral rights.

Any moral rights amendment to the Copyright Act would be highly controversial. The debate on any such proposal could be a contentious distraction from the effort to bring the United States into the Berne Convention. Whatever the merits of various proposals to strengthen protection for moral rights under the Copyright Act, none of them would advance the goal of Berne adherence, which is the only object of this legislation. Accordingly, like the Berne implementation legislation previously introduced in the Senate, the Berne Convention Implementation Act of 1987 does not contain any provision on moral rights.

Mr. President, as I have noted, the consensus in support of the principle of U.S. adherence to the Berne Convention is today stronger than ever. Within the introduction of the Berne Convention Implementation Act of 1987, which parallels in many important respects the provisions of Representative KASTENMEIER's bill on the subject, we take a giant step closer to a consensus on the legislative means of reaching this valuable goal. I look forward to working with the chairman of the Subcommittee on Patents, Copyrights and Trademarks, Senator DECONCINI, and with my other colleagues on that subcommittee, and with Representative KASTENMEIER and his colleagues on the counterpart subcommittee on the other body, in order to resolve the few remaining differences between the bills. In this Congress, the long-delayed goal of bringing the United States into the premier world copyright agreement is within our grasp. We should reach now to attain it, and thereby strengthen the system of international copyright protection under which American creativity has flourished, to the benefit and enjoyment of the entire world.

By Mr. EXON:

S. 1302. A bill to authorize the Secretary of Commerce to establish the Science and Technology Advisory Committee, to provide assistance in connection with long-term basic scientific research and student assistance in math, science, computer science, and engineering, and for other purposes; to the Committee on Labor and Human Resources.

BASIC SCIENTIFIC RESEARCH AND STUDENT ASSISTANCE ACT

Mr. EXON. Mr. President, the Senate Budget Committee and the Senate Commerce Committee have had several recent hearings on the need to improve the Federal effort in science and technology. In this era of fiscal restraint and the continuing crisis created by the Federal budget deficit and the national debt; finding resources to support new initiatives in science and technology are most difficult.

Today, I rise to introduce legislation to create a self-supporting technology trust fund to finance future long-term basic scientific research and student assistance in math, science, computer science and engineering.

The trust fund would be financed by royalties from federally funded research and development and royalties resulting from technology transfers from the Federal Government to the private sector. The trust fund is also authorized to accept charitable contributions from the private sector.

The trust fund is expected to collect or distribute large sums of money for a number of years. It is intended to be a forward-looking proposal to provide future supplemental funds in an era of continuing budgetary restraint.

Under this proposal, an independent entity would be established known as the science and technology advisory committee. The committee would be chaired by the Secretary of Commerce and would advise the National Science Foundation on the management of the science and technology trust fund.

There shall be three primary sources of funds for the trust fund. Wherever possible, the Federal Government will secure from recipients of any Federal research and development funds a promise to grant to the science and technology trust fund a percentage of any profits or ownership of patents directly resulting from such federally funded research and development. The legislation does not set a specific minimum royalty. It will be the responsibility of each Federal department to establish appropriate arrangements. It is my suggestion that the royalty be in the 2-percent to 5-percent range. This level will not discourage research efforts, but could eventually provide a significant source of funds.

The second source of funding is from existing technology transfer royalties. Under current law, Federal research facilities can transfer technology to the private sector under a royalty arrangement. Under the proposal those funds which simply go into the general fund will be earmarked for the technology trust fund.

Finally, the trust fund would be authorized to solicit and accept charitable contributions.

The science and technology trust fund will provide a source of funds for student assistance and student facilities. The trust fund will make grants or loans available for students for study in science, engineering, math and computer sciences; and grants to educational institutions for infrastructure development in science, engineering, math and computer sciences.

The trust fund will also fund basic scientific research and development.

There shall be funds available for long-term basic research grants for projects worthy of scientific investigation, not currently eligible for existing grant programs; investigator initiated grants to provide funds to assist an individual scientist or institution in bringing a worthy concept to the stage of domestic manufacture; and supplemental technology development grants to rapidly develop products and processes from any domestic research project where development would result in domestic manufacture or use.

Under this program, science and technology trust grants would only be available to U.S. citizens or institutions and development funds shall only be available where development results in domestic manufacture or use.

Unlike any other competitiveness programs, the science and technology trust fund attempts to make a fair distribution of its resource among the States. In making grants, consideration will be given to geographic distribution. States which receive few grants from existing Federal research and development programs will receive special consideration in evaluating grant applications. In essence, there will be an affirmative action factor for States which do not receive many grants from existing science and technology programs.

Over a period of several years, the legislation requires that there be a relatively equal balance of grants between student assistance and facilities; and scientific research.

Mr. President, the United States faces tough new economic competitors. The strength of our Nation and its economy has been our edge in science and technology. I regret to say that our competitors are closing on our lead.

Now is the time to look into the future and establish the mechanisms which can keep the United States at the forefront of science and technology.

I ask my colleagues to take a careful look at this proposal and I invite their support and recommendations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; DEFINITION

SECTION 1. (a) This Act may be cited as the "Basic Scientific Research and Student Assistance Act".

(b) As used in this Act, the term "person" means any individual, corporation, educational institution, or other entity.

PROJECTS

SEC. 2. (a) The National Science Foundation, in consultation with the Advisory Committee established by section 3 of this Act, is authorized to make grants and enter into agreements with any person for any one or more of the following purposes:

(1) student grants or loans for study in science, engineering, math, and computer sciences;

(2) grants to educational institutions for infrastructure development in science, engineering, math, and computer sciences;

(3) long-term basic research grants for projects worthy of scientific investigation, not currently eligible for existing Federal grant programs;

(4) investigator initiated grants to provide funds to assist an individual scientist or institution in bringing a worthy concept to the stage of domestic manufacture; and

(5) supplemental technology development grants to rapidly develop products and processes from any domestic research project where development would result in domestic manufacture or use.

(b)(1) Financial assistance pursuant to this Act shall be available only to citizens of the United States, including any institution, corporation, or other entity which is owned solely by a citizen or citizens of the United States.

(2) In providing financial assistance under this Act, the National Science Foundation shall take such action as may be necessary to assure that applications from persons, who are within States which currently receive little in the way of financial assistance under Federal research and development programs in effect upon the date of the enactment of this Act, shall receive special consideration in evaluating and acting on grant or loan applications under this Act. In acting on such applications, particular emphasis shall be placed on those applications from small businesses and small educational and research institutions.

(3) For fiscal years 1988 through 1995, the National Science Foundation shall take such action as may be necessary in order to provide a relatively equal balance of grants and loans between programs relating to student assistance and facilities (paragraphs (1) and (2) of subsection (a)) and scientific research (paragraphs (3), (4), and (5) of subsection (a)).

ADVISORY COMMITTEE

SEC. 3. (a) There is established a committee to be known as the "Science and Technology Advisory Committee" (hereinafter referred to in this Act as the "Advisory Committee").

(b)(1) The Advisory Committee shall take such steps as may be necessary to advise the National Science Foundation with respect to the formulation and conduct of activities pursuant to this Act, and with respect to such other matters as the National Science Foundation refers to the Advisory Committee.

(2) The National Science Foundation shall make available to the Advisory Committee such information and assistance as the Committee may reasonably require to carry out its duties.

(c) The Advisory Committee shall consist of the Secretary of Commerce and not less than 4 additional members appointed by the Secretary of Commerce. The Secretary of Commerce shall serve as Chairman of the Advisory Committee. The members of the Committee shall be from Federal departments and agencies whose missions contribute to or are affected by the program established by this Act.

APPLICATIONS; CONDITIONS

SEC. 4. (a) Any person may apply to the National Science Foundation for a grant or agreement under this Act. Application shall be made in such form and manner, and with such content and other submissions, as the National Science Foundation may require.

(b) Any grant or agreement entered into pursuant to this Act shall be subject to such limitations and conditions as the National Science Foundation may impose. The National Science Foundation shall require, from each recipient of a grant or agreement under this Act, assurances satisfactory to the National Science Foundation that such recipient shall transfer to the Federal Government a percentage of the ownership of any patent directly resulting from research and development carried out by such recipient by means of financial assistance made available pursuant to this Act. Such ownership percentage to be transferred to the Federal Government shall be such percentage as the National Science Foundation shall determine.

(c) On and after the date of the enactment of this Act, the head of any Federal department, agency, office, or other instrumentality shall, to the extent feasible, require, from each recipient of a grant or other financial assistance received by such recipient on or after the date of the enactment of this Act, under any Federal law, assurances satisfactory to such head that the recipient shall transfer to the Federal Government a percentage of the ownership of any patent directly resulting from research and development carried out by such recipient by means of such grant or financial assistance.

(d) Proceeds from the sale or other disposition of any patent or interest acquired by the Federal Government pursuant to this section shall be deposited in the Trust Fund.

TRUST FUND

SEC. 5. (a) There is established in the Treasury of the United States a trust fund to be known as the "Long-Term Basic Scientific Research and Student Assistance Trust Fund" (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be deposited in, transferred to, or credited to the Trust Fund as provided in subsection (b) of this section, subsection (d) of section 4, and section 6 of this Act, or otherwise appropriated to the Trust Fund.

(b) The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund which are attributable to the transfer and sale of Federally owned or originated technology.

(c) The amounts which are required to be transferred under subsection (b) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in subsection (b) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(d) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and to

report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the fiscal year and the next 5 fiscal years thereafter. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(e)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

(2) Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(3) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(4) Amounts in the Trust Fund shall only be available for making expenditures, as provided by appropriations Acts, to carry out the purposes of this Act.

(f) There are authorized to be appropriated out of the Trust Fund to carry out the purposes of this Act for each fiscal year, such amount as may be necessary.

CHARITABLE CONTRIBUTIONS

SEC. 6. The National Science Foundation is authorized to solicit and accept charitable contributions to enable it to carry out the purposes of this Act. All such contributions shall be deposited in the Trust Fund.

By Mr. WEICKER (for himself, Mr. ADAMS, Mr. BOND, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. CHILES, Mr. DODD, Mr. DURENBERGER, Mr. GLENN, Mr. GORE, Mr. HOLLINGS, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Mr. MCCLURE, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SIMON, Mr. STEVENS, Mr. WARNER, and Mr. WILSON):

S.J. Res. 142. Joint resolution to designate the day of October 1, 1987, as "National Medical Research Day"; to the Committee on the Judiciary.

NATIONAL MEDICAL RESEARCH DAY

● Mr. WEICKER. Mr. President, today I am pleased to introduce a joint resolution designating October 1, 1987, as "National Medical Research Day." In this, the 100th year of the National Institutes of Health, it is especially appropriate that we pay special tribute to the people who dedicate their lives to making health an appropriate expectation of every American. The joint resolution also stands as a testament to America's premier place in promoting health and preventing disease.

We cannot begin to count the lives that have been saved as a result of American medical research. The benefits of this research not only reach the teenager in this Nation who is cured of Hodgkins disease, but also the child in a Third World country who will never fear the paralysis of polio. Our achievements in medicine and pharmacology are a source of national pride and international hope. In the midst of the AIDS epidemic, it is to the United States that the world looks for a cure.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 142

Whereas America's medical research enterprise has been, and will continue to be, the acknowledged world leader in promoting health and preventing disease and disability;

Whereas medical research (defined for purposes of this Joint Resolution as biomedical and behavioral research) continuously contributes to the discovery of new knowledge that will lead to the improved health and well-being of Americans and of all humankind;

Whereas America's medical research enterprise continues to pioneer breakthroughs in the detection and treatment of diseases and promote the widespread application of these methods and technologies to medical practice;

Whereas medical research has significantly contributed to bringing America's death rate to an all-time low and its life expectancy rates to all-time highs;

Whereas America's medical research enterprise has contributed enormously to the control and virtual worldwide eradication of epidemic diseases such as cholera, smallpox, yellow fever, and bubonic plague, and the prevention in this country of childhood diseases such as diptheria, polio, tetanus, and pertussis;

Whereas medical research has successfully produced effective vaccines now widely used to combat measles, mumps, rubella, meningitis, pneumonia, influenza, rabies, upper respiratory diseases, and hepatitis B;

Whereas America's financial investment in medical research has consistently been rewarded with positive returns as measured by reduced morbidity, and improved individual productivity and health status;

Whereas the products and by-products of medical research contribute significantly to the health of America's overall economy and its ability to compete successfully in international commerce and trade;

Whereas medical research in this country has fostered a productive and ongoing positive public and private sector partnership among government, academia, industry, and voluntary organizations in the pursuit of research excellence and discovery;

Whereas the Congress of the United States has consistently demonstrated a Federal financial commitment to maintaining America's preeminence in medical research through support of such agencies as the National Institute of Health, the Alcohol, Drug Abuse and Mental Health Administration, the Centers for Disease Control, and the Veterans' Administration;

Whereas the Congress and President of the United States have formally recognized 100 years of Federal support for medical research through resolution and proclamation commemorating the current Federal fiscal year as the National Institutes of Health Centennial year;

Whereas America's medical research enterprise has produced 85 internationally respected Nobel laureates in physiology, medicine, and chemistry and must continue to foster the interest and training of young scientists, medical practitioners, and other health professionals in research careers, as well as ensure the adequacy of the settings within which they will work;

Whereas America's medical researchers are working at the forefront of biomedical technologies which create exciting new medical research opportunities that hold the best hope for unraveling the mysteries of cancer, AIDS, Alzheimer's disease, arthritis, heart and lung diseases, mental illness, and the many other diseases and disorders which claim or severely impair the lives of millions of Americans; and

Whereas the Congress of the United States acknowledges with pride the many accomplishments of America's medical research enterprise and confidently looks to it for continued progress in relieving human suffering and conquering the diseases and disorders that afflict the people of this country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the day of October 1, 1987, is designated as "National Medical Research Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

By Mr. SPECTER (for himself, Mr. ADAMS, Mr. BIDEN, Mr. BRADLEY, Mr. BURDICK, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. DANFORTH, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DURENBERGER, Mr. EVANS, Mr. GARN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GORE, Mr. HECHT, Mr. HEINZ, Mr. INOUYE, Mr. KARNES, Mr. KASTEN, Mr. KENNEDY, Mr. LEVIN, Mr. MATSUNAGA, Mr. MCCAIN, Mr. MCCONNELL, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PACKWOOD, Mr. PELL, Mr. PROXMIRE, Mr. PRYOR, Mr. REID, Mr. RIEGLE, Mr. ROTH, Mr. ROCKEFELLER, Mr. SANFORD, Mr. STAFFORD, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. WEICKER, and Mr. WILSON):

S.J. Res. 143. A joint resolution to designate April 1988, as "Fair Housing Month;" to the Committee on the Judiciary.

FAIR HOUSING MONTH

● Mr. SPECTER. Mr. President, today, along with 50 of our colleagues, I am introducing a joint resolution to designate April 1988 as "Fair Housing Month." April 1988 will mark the 20th anniversary of the Congress' historic passage of title VIII of the Civil Rights Act of 1968, which is commonly referred to as the Fair Housing Act.

The Fair Housing Act was passed at a time of great turmoil in our Nation.

We had just experienced the shock of the assassination of Martin Luther King and the ensuing violent expressions of frustration and outrage in our cities. Congress responded to this turmoil by passing landmark legislation, which announced a national policy of nondiscrimination in housing. That policy lives on today.

Since passage of the Fair Housing Act in 1968, there has been an ongoing debate about whether the act's provisions need strengthening and, if so, how best to strengthen them. People of good will have reached different conclusions about how we should strengthen the Fair Housing Act, but no one questions the basic premise that this Nation is, and must remain, committed to fair housing for all of its citizens.

The resolution we are introducing today, in commemorating the historic passage of the Fair Housing Act, reaffirms our commitment to a national policy of fair housing for all Americans.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 143

Whereas the year 1988 marks the twentieth anniversary of the passage of title VIII of the Civil Rights Act of 1968, commonly referred to as the "Federal Fair Housing Act", declaring a national policy to provide fair housing throughout the United States;

Whereas the Federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin;

Whereas fairness is the foundation of our way of life and reflects the best of our traditional American values;

Whereas invidious discriminatory housing practices undermine the strength and vitality of America and the American people; and

Whereas in this twentieth year since the passage of the Fair Housing Act, all Americans must work to continue to improve the Fair Housing Act by strengthening enforcement provisions, by extending the protections of the Act to all our citizens, by assuring there are no victims of discriminatory housing practices, and by making the ideal of fair housing a reality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April as "Fair Housing Month" and to invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe the month with appropriate ceremonies and activities.●

By Mr. WIRTH:

S.J. Res. 145. Joint resolution designating the week beginning June 21, 1987, as "National Outward Bound Week;" to the Committee on the Judiciary.

NATIONAL OUTWARD BOUND WEEK

● Mr. WIRTH. Mr. President, today I am pleased to introduce a joint resolution designating the week beginning June 21, 1987, as "National Outward Bound Week." I urge my colleagues to join me in recognizing the contributions of this program to the American people, and to young people in particular, as we celebrate the 25th anniversary of Outward Bound in the United States.

The Outward Bound Program operates schools in 40 countries and had its origin in Britain. I am especially proud to introduce this joint resolution, Mr. President, because the first U.S. Outward Bound School was started in my home State of Colorado 26 years ago. At that time, 10 Coloradans set out to develop an outdoor recreation program that embodied the same principles that make our Nation great—responsibility, leadership and compassion. These Coloradans believed that by participating in demanding outdoor programs, young Americans would learn to persevere and overcome personal challenges.

Twenty-five years ago, the first Outward Bound course was offered to the first Americans to serve as Peace Corps volunteers. Since then, more than 150,000 Americans have experienced Outward Bound, taking courses in sailing, river boating, mountaineering, rock climbing and other programs.

In addition, Outward Bound has expanded to meet the changing demands of our society today. Outward Bound offers corporate development courses to build teamwork among the Nation's future business leaders. Perhaps more than any other aspect of Outward Bound, its scholarship program for less fortunate Americans is especially noteworthy. Forty percent of Outward Bound's students receive financial assistance underwritten by private contributions from some of this country's most outstanding citizens. In partnership with the U.S. Forest Service and the Bureau of Land Management, Outward Bound introduces Americans of all ages, races and backgrounds to the Nation's most spectacular scenery.

Next week 6 Soviet youth and 6 Hungarian youth will join 10 young Americans in the majestic mountains of Colorado to participate in an Outward Bound course of a kind never seen before. While these young people are learning about the outdoors amidst the Rocky Mountains, they will also be sharing their national cultures. When they return to their homes, they will take with them not only an appreciation of the environment, but also a greater understanding of the community of nations.

I can think of no better time to recognize the high ideals and contributions of Outward Bound, and I urge my colleagues to join with me in supporting "National Outward Bound Week."●

By Mr. WIRTH (for himself and Mr. GARN):

S.J. Res. 146. Joint resolution designating January 8, 1988, as "National Skiing Day," to the Committee on the Judiciary.

NATIONAL SKIING DAY

● Mr. WIRTH. Mr. President, today Senator GARN and I are introducing a joint resolution to designate Friday, January 8, 1988, as "National Skiing Day." I am especially pleased to have the distinguished Senator from Utah as the cosponsor of this resolution, since he is an avid skier himself and can attest to the joys of skiing.

My home State of Colorado is well known for its spectacular mountain vistas and world class ski areas. But many people may not know that there are approximately 600 ski areas in 39 States across the country. More than 15 million Americans, from literally every State, are downhill skiers. Another 6 million or more enjoy cross-country, or Nordic, skiing. Just last year, the country's downhill ski areas recorded more than 53 million skier visits.

These statistics show that skiing is one of the Nation's fastest growing participation sports. What those statistics don't reveal is that skiing is a sport that fosters an appreciation of the outdoors and enriches the human spirit. There is nothing more exhilarating on a sunny winter morning than to stand at the top of a mountain for the first run of the day on fresh powder snow.

In addition, skiing is an increasingly important part of the recreation and tourism industry in this country. My State is no exception to that trend. Indeed, skiing is the single largest industry on Colorado's western slope. In that mountainous part of Colorado, skiing accounts for a third of all retail sales, a quarter of all employment, and almost half of the housing construction. Statewide, this industry creates 44,000 full-time jobs, contributes $1.2 billion to Colorado's economy, and produces $132 million in State and local taxes.

Skiing is a great sport, Mr. President, and an important part of my State's economy and the economies of many other States. The joint resolution that Senator GARN and I are introducing today reaffirms the value of this sport. It is my hope that this resolution will encourage more Americans to take part in this sport and to enjoy the great outdoors. "National Skiing Day" will be a fitting recognition of the recreational and economic benefits of skiing, and I urge our colleagues to join me in supporting it.●

By Mr. LEVIN:

S.J. Res. 147. Joint resolution designating the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week"; to the Committee on the Judiciary.

NATIONAL ADULT DAY CARE CENTER WEEK

● Mr. LEVIN. Mr. President, today I am introducing a joint resolution to designate the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week."

There are more than 1,000 adult day care centers operating in the Nation today. They play an important role in helping to improve the quality of life for many adults who need an alternative to costly full-time medical and institutional care. Professional nurses, dietitians, and therapists offer medical testing and referrals, nutrition education, and physical therapy to the elderly, which reduce the need for long-term hospitalizations or nursing care. Adult day-care centers allow senior citizens to remain in their homes with their families, while at the same time giving them an opportunity to meet with peers and be socially active.

Mr. President, adult day care centers save the Federal Government money by reducing the need for both hospitalizations and full-time nursing care. But more importantly, they allow the elderly to maintain the independence and self-esteem which are often lacking in institutional settings. I urge my colleagues to support this joint resolution, which will draw attention to the services and the potential of adult day-care centers.

I am pleased that Senators BOND, BURDICK, CHILES, DODD, GLENN, HOLLINGS, INOUYE, JOHNSTON, KERRY, LAUTENBERG, METZENBAUM, NUNN, PRYOR, SANFORD, STENNIS, and WILSON, have joined me in cosponsoring National Adult Day Care Center Week.

I ask unanimous consent that the text of the resolution be printed in the RECORD following my statement.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 147

Whereas more than 1200 adult day care centers are in operation nationwide, providing safe and positive environments to functionally disabled adults and senior citizens who are in need of daytime assistance or supervision;

Whereas adult day care centers have comprehensive programs providing a variety of services related to health, including medical therapy, medication monitoring, counseling, and health education;

Whereas adult day care centers are operated by professional staffs which identify individual health needs and give appropriate advice;

Whereas adult day care centers assist functionally disabled adults and senior citizens in maintaining a maximum level of independence;

Whereas adult day care centers provide opportunities for social interaction to individuals who otherwise may be socially isolated; and

Whereas adult day care centers offer relief to families who otherwise must provide constant care to functionally disabled adults and senior citizens, including victims of Alzheimer's disease and other forms of dementia: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on the third Sunday of September in 1987 and 1988 is designated as "National Adult Day Care Center Week". The President is requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.●

By Mr. D'AMATO:

S.J. Res. 148. Joint resolution designating the week of September 20, 1987, through September 26, 1987, as "Emergency Medical Services Week"; to the Committee on the Judiciary.

EMERGENCY MEDICAL SERVICES WEEK

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to designate the week of September 20 through 26, 1987, as "Emergency Medical Services Week."

The field of emergency medical services has experienced significant change during its brief history as a recognized medical specialty. Derived from the battlefield medical procedures used in Korea and Vietnam, a system of emergency medical services [EMS] was formally established in the United States under the Highway Safety Act of 1966.

During the early years of EMS, 50 percent of the Nation's ambulance services were provided by 12,000 morticians, mainly because their vehicles were among the only ones that could accommodate stretchers. Today, however, there are roughly 50,000 ambulances operating throughout the United States. This network of ambulances, combined with the highly advanced communications systems that have emerged since the 1960's, enables today's EMS personnel to handle emergencies far more quickly and efficiently.

From 1965 to 1983, the number of individuals per 100,000 who have died from auto accidents decreased from 25.4 to 19.1; from accidental falls, 10.3 to 5; from fires and burns, 3.8 to 2; from ingestion of foods or objects, 0.8 to 0.6; and from drowning 1.2 to 0.8. These reductions are, in large part, due to vastly improved emergency medical services.

Of course, no one really plans on having a medical emergency; many of us have the attitude that "it can't happen to me." Nevertheless, statistics show that you or someone you know likely will need emergency medical treatment sometime during the next year. When an emergency does arise, providers of emergency health care ensure that we receive the best possible treatment.

Providers of emergency medical services include educators of emergency medical procedures, administrators, physicians, nurses, emergency medical technicians, paramedics, and lay people who have learned CPR and other quick stabilization procedures. In many States, volunteer units, often working out of volunteer fire departments, play a significant role in providing EMS. In some States, nearly 80 percent of emergency medical services are provided by volunteers.

Properly trained and equipped EMS personnel are especially important to our elderly. There is a higher death rate among our elderly as a result of injury than any other age group, and they are less likely to recover completely, or even survive, once injured. Today, elderly Americans—as well as every other American in need of emergency medical care—can be confident that they will receive high quality care because of the advances that have occurred in the field of emergency medicine. This is evidenced by the ability of emergency departments to handle the ever-increasing influx of patients.

The incidence of patient visits to emergency departments across the country has increased dramatically. In 1960, there were 42 million patient visits. By 1977, this figure had grown to 76 million. This year, it is projected that over 85 million patient visits will be recorded in emergency departments throughout the United States.

It is important that we recognize the countless dedicated men and women who provide us with quick, effective emergency medical care. At the same time, we must elevate the public's awareness of what steps to take in the event of an emergency. That is why I am introducing this joint resolution to designate the week beginning September 20, 1987, as "Emergency Medical Services Week." Congressman MANTON has introduced in the House an identical resolution, which already has 173 cosponsors.

I urge my colleagues to consider the importance of this resolution, as it relates to the health and well-being of all Americans. I urge my colleagues to lend their full support to this resolution. I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 148

Whereas the members of emergency medical services teams devote their lives to saving the lives of others;

Whereas emergency medical services teams consist of emergency physicians, nurses, emergency medical technicians, paramedics, educators, and administrators;

Whereas the people of the United States benefit daily from the knowledge and skill of these trained individuals;

Whereas advances in emergency medical care increase the number of lives saved every year;

Whereas the professional organizations of providers of emergency medical services promote research to improve emergency medical care;

Whereas the members of emergency medical services teams work together to improve and adapt their skills as new methods of emergency treatment are redeveloped;

Whereas the members of emergency medical services teams encourage national standardization of training and testing of emergency medical personnel, and reciprocal recognition of training and credentials by the States;

Whereas the designation of "Emergency Medical Services Week" will serve to educate the people of the United States about accident prevention and what to do when confronted with a medical emergency; and

Whereas it is appropriate to recognize the value and the accomplishments of emergency medical services teams by designating "Emergency Medical Services Week": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 20, 1987, through September 26, 1987, is designated as "Emergency Medical Services Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. PRESSLER, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 314, a bill to require certain telephones to be hearing aid compatible.

S. 604

At the request of Mr. PRYOR, the names of the Senator from Colorado [Mr. ARMSTRONG], the Senator from New Mexico, [Mr. BINGAMAN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 604, a bill to promote and protect taxpayer rights, and for other purposes.

S. 719

At the request of Mr. PRYOR, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of S. 719, a bill to amend the Internal Revenue Code of 1986 to provide that certain minimum tax and accounting rules, added by the Tax Reform Act of 1986, applicable to installment obligations shall not apply to obligations arising from sales of property by nondealers.

S. 752

At the request of Mr. BENTSEN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 752, a bill to establish a National Space Grant College and Fellowship Program.

S. 784

At the request of Mrs. KASSEBAUM, the names of the Senator from California [Mr. CRANSTON] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 784, a bill to provide that receipts and disbursements of the highway trust fund and the airport and airway trust fund shall not be included in the totals of the budget of the U.S. Government as submitted by the President or the congressional budget.

S. 860

At the request of Mr. BOREN, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 860, a bill to designate "The Stars and Stripes Forever" as the national march of the United States of America.

S. 885

At the request of Mr. METZENBAUM, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 885, a bill to make available to consumers certain information on the performance records of air carriers operating in the United States.

S. 907

At the request of Mr. HOLLINGS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 907, a bill to further United States technological leadership by providing for support by the Department of Commerce of cooperative centers for the transfer of research in manufacturing, and for other purposes.

S. 998

At the request of Mr. DECONCINI, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 998, a bill entitled the Micro Enterprise Loans for the Poor Act.

S. 1203

At the request of Mr. GRASSLEY, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1203, a bill to amend title 22, United States Code, to make unlawful the establishment or maintenance within the United States of an office of the Palestine Liberation Organization, and for other purposes.

S. 1276

At the request of Mrs. KASSEBAUM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1276, a bill to amend the Federal Aviation Act of 1958 to provide for improved reliability of airline flight schedules, and for other purposes.

SENATE JOINT RESOLUTION 14

At the request of Mr. HELMS, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. KARNES], the Senator from South Carolina [Mr. THURMOND], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 40

At the request of Mr. KASTEN, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Georgia [Mr. FOWLER], the Senator from Washington [Mr. ADAMS], the Senator from Oklahoma [Mr. NICKLES], the Senator from Illinois [Mr. SIMON], the Senator from New York [Mr. D'AMATO], the Senator from California [Mr. CRANSTON], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. INOUYE], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 40, a joint resolution to give special recognition to the birth and achievements of Aldo Leopold.

SENATE JOINT RESOLUTION 44

At the request of Mr. DURENBERGER, the names of the Senator from Virginia [Mr. WARNER], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 44, a joint resolution to designate November 1987, as "National Diabetes Month."

SENATE JOINT RESOLUTION 110

At the request of Mr. LEAHY, the names of the Senator from Oregon [Mr. HATFIELD] the Senator from Iowa [Mr. GRASSLEY], the Senator from Maine [Mr. COHEN], the Senator from California [Mr. WILSON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Iowa [Mr. HARKIN], the Senator from Colorado [Mr. WIRTH], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 110, a joint resolution to designate October 16, 1987, as "World Food Day."

SENATE JOINT RESOLUTION 117

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Tennessee [Mr. GORE], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Indiana [Mr. LUGAR], the Senator from Ohio [Mr. METZENBAUM], the Senator from Oklahoma [Mr. NICKLES], the Senator

from Georgia [Mr. NUNN], the Senator from Indiana [Mr. QUAYLE], the Senator from Delaware [Mr. ROTH], the Senator from Alaska [Mr. STEVENS], the Senator from Virginia [Mr. WARNER], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Idaho [Mr. SYMMS], the Senator from Montana [Mr. BAUCUS], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Florida [Mr. GRAHAM], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Joint Resolution 117, a joint resolution designating July 2, 1987, as "National Literacy Day."

SENATE JOINT RESOLUTION 121

At the request of Mr. TRIBLE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 121, a joint resolution designating August 11, 1987, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 125

At the request of Mr. ROTH, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from Alabama [Mr. SHELBY], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 125, a joint resolution to designate the period commencing on May 9, 1988, and ending on May 15, 1988, as "National Stuttering Awareness Week."

SENATE JOINT RESOLUTION 136

At the request of Mr. HUMPHREY, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Joint Resolution 136 a joint resolution to designate the week of December 13, 1987, through December 19, 1987, as "National Drunk and Drugged Driving Awareness Week."

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. PRESSLER, the names of the Senator from Nebraska [Mr. KARNES] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Congressional Resolution 31, a concurrent resolution commending the Czechoslovak human rights organization Charter 77, on the occasion of the 10th anniversary of its establishment, for its courageous contributions to the achievement of the aims of the Helsinki Final Act.

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. STEVENS, the name of the Senator from West Virgina [Mr. BYRD] was added as a cosponsor of Senate Congressional Resolution 43, a concurrent resolution to encourage State and local governments and local educational agencies to provide quality daily physical education programs for all children from kindergarten through grade 12.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1987

GRAHAM AMENDMENT NO. 249

Mr. GRAHAM proposed an amendment to the bill (H.R. 1827) making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes; as follows:

At the appropriate place, insert the following:

It is the sense of the Senate that such expenditures in H.R. 1827, the supplemental appropriations bill, as finally passed, as exceed the requirements of the Budget Act shall, during this calendar year be offset by rescissions of expenditures, or programs or reductions thereof or by other legislative action sufficient to provide such funds.

MELCHER AMENDMENT NO. 250

Mr. MELCHER (for himself and Mr. PRESSLER) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 64, between lines 21 and 22, insert the following:

For an additional amount for Home Delivered Nutrition Services under subpart 2 of part C of title III of the Older Americans Act of 1965, not to exceed $1,400,000, to be obligated by September 30, 1987 which shall be derived from unobligated funds appropriated for section 311 of the Older Americans Act of 1965 for fiscal year 1985 or fiscal year 1986, or both.

JOHNSTON (AND STEVENS) AMENDMENT NO. 251

Mr. JOHNSTON (for himself and Mr. STEVENS) proposed an amendment to the bill H.R. 1827, supra; as follows:

At the appropriate place in the bill insert the following new section:

"SEC. . Notwithstanding any other provision of law, payments received hereafter as compensation for damages to the U.S.S. *Stark* and other United States governmental expenses arising from the attack on the U.S.S. *Stark* shall be credited to applicable Department of Defense appropriations or funds available for obligation on the date of receipt of such payments."

TRADE LEGISLATION

HECHT AMENDMENT NO. 252

(Ordered to lie on the table.)

Mr. HECHT submitted an amendment intended to be proposed by him to the bill (S. 490) to authorize negotiations of reciprocal trade agreements, to strengthen United States trade laws, and for other purposes; as follows:

SECTION 1. IMPORT PRICE EVALUATION AND FOREIGN MARKET VALUE ADJUSTMENT FOR PLANNED MARKET ECONOMY COUNTRIES.

(a) IN GENERAL.—Section 773 of the Tariff Act of 1930 (19 U.S.C. 1677b) is amended by adding at the end thereof the following new subsection:

"(d) PLANNED MARKET ECONOMY COUNTRIES.—

"(1) IN GENERAL.—If—

"(A) the merchandise under investigation is exported from a planned market economy country, and

"(B) such country so requests,

the administering authority shall determine the foreign market value of the merchandise on the basis of the actual costs of manufacturing the merchandise in such country during the most recent period for which sufficient information is available, and where the administering authority finds that the price or cost of any component of the merchandise has not been or cannot be determined by market factors in such country, the administering authority shall substitute a representative world price for such component."

"(2) ALTERNATIVE FOREIGN MARKET VALUATION METHOD.—If the administering authority is unable to determine under paragraph (1) the actual foreign market value of the merchandise under investigation or if the foreign country at any time so requests, the administering authority shall determine the foreign market value of the merchandise in a manner consistent with that of nonmarket economy countries as required by subsection (c) of section 773 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1677b."

"(3) COUNTERVAILING DUTY PROVISIONS NOT TO APPLY.—The countervailing duty law, section 303 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1303 (1982), shall apply to any country determined to be a planned market economy country by the administering authority in a manner consistent with that of nonmarket economy countries."

SEC. 2. DEFINITION.

(a) DEFINITIONS.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end thereof the following new paragraph:

"PLANNED MARKET ECONOMY COUNTRY.—

"(i) IN GENERAL.—The term 'planned market economy country' means any foreign country whose government has been determined by the administering authority to have announced and to be implementing economic reforms of a kind that, when fully implemented, will have brought the foreign country to a stage where its cost and pricing structures are primarily influenced by market principles so that sales of merchandise in such country will reflect the fair value of the merchandise."

"(ii) OTHER FACTORS TO BE CONSIDERED.—In making the determinations under clause (i), the administering authority shall take into account the extent to which the foreign country—

"(I) is opening its domestic markets to goods produced, services provided, and joint ventures and other investments by firms and individuals of the United States,

"(II) is providing copyright and patent protection to intellectual property of firms and individuals of the United States, and

"(III) has committed to and is moving toward fulfilling the principles of the General Agreement on Tariffs and Trade."

Mr. HECHT. Mr. President, our trade with China is in jeopardy because of a paradox. I intend to offer an amendment to the trade bill to improve upon the work of the Finance Committee which did not have time to deal in detail with an issue that is vital

to our overall strategic relationship with China.

Beginning with President Nixon's historic initative in 1972, our relationship with China has changed the world balance of power. In the 15 years since the Nixon visit to Beijing, President Ford, Carter, and Reagan have further developed a broad range of ties between China and the United States. This fact has been harshly criticized by the Soviet Union. Hundreds of Soviet press articles have accused us of "playing the China card" against the Soviet Union. Of course, this is a false accusation. Four American Presidents have supported a strong, stable and prosperous China. There is broad public support for China's independence from any threat that may come from the Soviet Union.

A vital part of China's independence has been the decision to depart from the Soviet model of rigid, centralized economic decisionmaking. Chinese economic reforms have surprised the world—as illustrated by three appearances of Deng Xiao-ping on the cover of time magazine in the past 3 years.

But the West has done very little to encourage these Chinese reforms. Today, China is implementing market reforms, opening its economy to American products and joint ventures, with American firms, accepting the principles of GATT, and implementing rules to protect intellectual property.

Yet, we continue to treat Chinese imports to the United States in the same way as imports from the Soviet Union and the Warsaw Pact nations. President Carter shifted China's status with regard to export controls so that China may import more sophisticated American technology than the Soviet Union and its allies. President Reagan has gone further and approved the sale of American military technology to China that would never be approved for the Soviet Union and Eastern Europe. Yet these policy changes in export controls have not been matched in the area of import policy.

The amendment I will offer to the trade bill brings our import toward China up to speed with our export control policy.

My amendment builds on the work of my friend Senator JOHN HEINZ who had sought for several years to provide fair treatment to the products of so-called "nonmarket economies" by providing a benchmark price by which to judge whether or not such nations are dumping their products in the United States. The Finance Committee has adopted the approach of Senator HEINZ which is a major step forward.

The current language, however, continues to discriminate against China. Specifically, it provides no incentive to China to continue its economic reforms. Rather, the Finance Committee language lumps China together with the world's other Communist nations. It reverses the policy initiatives of Presidents Nixon, Ford, Carter and Reagan that have sought to encourage an independent and prosperous China that is not aligned with Moscow and the Warsaw Pact nations.

A rather simple change in our trade law will provide fair treatment for China—or any nation that moves as far as China has done away from the Soviet model of rigid, dogmatic economic controls. This simple change is to give China the opportunity to present evidence to the Commerce Department that Chinese products sold in America are priced according to real costs in China. Today, China can not present its case. Any protectionist who wishes to block Chinese imports need only file an antidumping law suit and show that Chinese goods are priced cheaply. Ridiculous as it may sound, these law suits are proceeding at a pace that will ultimately choke off all Chinese exports to the United States! The only exception will be textiles because textile imports are handled in bilateral agreements.

Put yourself in the place of the Chinese leaders for a moment. What is the apparent message the United States is sending to China? First, the United States wants China to become strong and independent of the Soviet empire. Second, the United States wants China to reduce its textile exports and buy more American products as well. Third, Chinese economic reforms should continue. But, finally, a complete contradiction of the first three messages emerges in United States trade law: Chinese products will be treated the same as Soviet products and all Chinese products except textiles will be blocked by antidumping law suits.

Can you imagine the confusion in Beijing?

I think that confusion explains Chinese Ambassador Han Xu's recent letter to Congress and his recent comment to the press when he said, "If we can't sell, how can we buy?"

Mr. President, I will have more to say about my amendment in a few days. I am exploring with other Senators the prospects for forming a China trade caucus to study all the problems of United States trade with China including the competitiveness of American corporations in China with respect to our Japanese and European firms. I think the time has come for a complete review of the legislative framework of our trade with China. A China trade caucus would have to cut across the jurisdictions of many committees—trade law under the Finance Committee, banking matters under the Banking Committee, nuclear reactor sales under the Energy Committee, the aid trade development program funds under the Foreign Relations Committee, the performance of our foreign commercial service officers in China under the Commerce Committee, and even sensitive military technology exports under the Armed Services Committee.

A number of Senators of both parties seem interested in the concept of a China trade caucus, Mr. President. I will have more to say on this as the caucus develops a schedule for hearings and an outline of issues to be addressed.

Today, Mr. President, I ask that a section-by-section analysis of the amendment and various supporting letters and articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSED SECTION-BY-SECTION ANALYSIS OF FLOOR AMENDMENT TO OMNIBUS TRADE LAW OF 1987

SECTION 1.—FOREIGN MARKET VALUE DETERMINATION FOR PLANNED MARKET ECONOMY COUNTRIES

This section would amend section 773 of the Act by adding a new subsection entitled "Planned Market Economy Countries." Current law and S. 490 as currently drafted recognize only two categories of economies under the antidumping and countervailing duty laws, "market" and "nonmarket" economies. Paragraph (1) of this section recognizes that certain nations, while not yet sufficiently market driven to be called market economies, have instituted economic reforms such that they no longer accurately can be described as nonmarket economies either. Such nations that are implementing market-based economic reforms, are opening their domestic markets to U.S. goods and services, are developing laws that provide intellectual property protection and are in the process of becoming contracting parties to the General Agreement on Tariffs and Trade (GATT) would meet the section (2) definition of "planned market economy" and could request to prove to the International Trade Administration that the price or cost of the import or components of the import being investigated in any antidumping proceeding were established by market factors.

The International Trade Administration would be required to substitute a "representative world price" with respect to any component that was not based upon market factors or excluded so that the total value of the import would fairly account for all production factors. In this way the planned market economy country would be treated under United States law as a market economy to the extent it could prove that the prices of its products were market derived, and as a nonmarket economy to the extent that it could not make that proof or chose not to attempt it. This section serves as a means to determine foreign market value in a manner that recognizes any fair market-based competitive advantage of any planned market economy country import to the extent, and only to the extent, that such advantage can be demonstrated.

If a planned market economy determines that it cannot fulfill the burden of demonstrating that costs and prices of components of the import were market-based, or the ITA determines that China has not met the burden required, paragraph (2) of this sec-

tion establishes the alternative method for planned market economy countries by making reference to the method established in S. 490 as reported out of the Senate Finance Committee.

Paragraph (3) of this section codifies the effect of the recent decision of the Court of Appeals for the Federal Circuit in *Georgetown Steel Corp.* v. *United States*, 801 F.2d 1308 (Fed. Cir. 1986) by stating that the countervailing duty law does not apply to planned market economy countries. This is appropriate as the planned market economy methodology provides a complete unfair trade remedy to U.S. industry that measures and accounts for subsidies if any are found.

SECTION 2.—DEFINITIONS

Subparagraph (B) of this section defines "planned market economy country" as a nation implementing economic reforms that would eventually enable the foreign country to operate on market principles. Other factors to be considered before a nation could qualify would be the extent to which the nation (i) afforded market access to U.S. goods and services; (ii) provided patent and copyright protection; and (iii) was moving toward fulfilling GATT principles. It is contemplated that only NME countries would be evaluated for purposes of determining whether they qualify for the planned market economy definition. It should be noted that there is nothing in the proposed definition that operates to systematically prevent any NME from meeting the requirements of a planned market economy, and perhaps Hungary in addition to China would also qualify for PME treatment. Rhetoric unaccompanied by meaningful implementation, however, would not satisfy the definitional requirements for a nation to be classified as a planned market economy country. If countries such as the USSR, Rumania, Poland or Czechoslovakia, were to actually open their markets to U.S. goods and services and implement other economic reforms of the type already in effect in China and Hungary, the United States should welcome that development and recognize that they may at some point qualify under this definition.

THE EMBASSY OF THE PEOPLE'S REPUBLIC OF CHINA,
Washington, DC, May 4, 1987.

Last September, I wrote you a letter expressing my Government's concern with the U.S. trade legislation affecting our bilateral trade. Today there are more pressing reasons that I emphasize this concern and weigh with you the opportunities as well as imminent dangers.

China is working diligently to further open its markets, particularly since it has suffered enough from closedness. It is not easy for a country like ours to have opened so much to the outside world in less than ten years. China continues to implement in a deep-going way the policies of reforms and opening to outside world while invigorating the domestic economy. Since our two nations established diplomatic relations, two-way trade has grown steadily, from $2.5 billion in 1979 to $7.3 billion last year. In the last eight years, according to Chinese statistics, China has imported $31.4 billion from and exported $14 billion of goods to the U.S. During the same period, China has created a favorable and improving investment climate and contracted about $2.7 billion of U.S. investment. However, the potential for accelerating such greater two-way trade and investment flow is threatened by certain proposed trade legislation. It must be pointed out that any U.S. legislation discrimination against China would harm the interest of both nations and would lead to China's corresponding reaction.

Of all the dangers such as I cited in my previous letter, I would like to single out the antidumping law as being applied to China and the proposed amendment concerning the "non-market economies" in S. 490. The amendment would use the average price of the market economy with the largest volume of exports to the U.S. as the benchmark for determining NME dumping. That is to say if China were to sell cameras or perfume to the U.S., it would have to sell at or above the price of, for example, Canon or Chanel. I believe no one would want to stop trade between our two nations. But this provision could do virtually that.

The Administration has proposed to use the lowest average import price from a market economy as the benchmark. But this approach is also arbitrary and does not allow China to enjoy any competitive advantage it may have as the lowest cost producer in certain cases. I understand that some private U.S. interests have suggested alternative approaches. One approach is to stop treating China as a pure NME and give it a chance to try to prove that it has a fair cost advantage.

Another proposal by a private U.S. interest would also reduce the unfairness of the current law or of the proposed S. 490 amendment. It suggests that in the event that the Department of Commerce insists on using the price of a surrogate country whose per capita GNP is much higher than China's, then the "fair value" should be adjusted to reflect such a difference.

We believe that changes in U.S. trade laws and policies concerning China should reflect price reforms and other economic structural changes taking place in China rather than ignore or discourage them. The U.S. antidumping law, I was told, was designed to prevent artificial pricing. If this is true, then the artificial benchmark approach would do exactly the opposite because it would force China to price its exports artificially in order to avoid an antidumping petition. This is especially detrimental to our efforts to deregulate our price system as we move closer to resumption of our GATT seat.

Since 1979, China has confronted with 15 antidumping cases. Apart from the economic losses, this has a very chilling psychological effect on both potential U.S. importers and potential Chinese exporters of other Chinese products.

Regarding the attempts to apply countervailing duty law to China without an injury test or continue to subject China to Section 406 discriminatory measures, I believe China would not suffer alone. American consumers would be deprived of the access to competitively-priced, low-cost Chinese goods and U.S. exporters would find their Chinese customers' purchasing power clipped.

We highly value long-term relationship based on the principle of mutual benefit. The recent Steel Voluntary Restraint Agreement we signed with the U.S. despite that we have only achieved a very limited market share illustrates our willingness to cooperate and share difficulties of our trade partners. China does not seek for special access to U.S. market. What it wishes is nothing more than fair, nondiscriminatory treatment and the chance to prove its ability to compete fairly in world market.

I appreciate your keen interest in improving China-U.S. friendship and business ties and sincerely hope that you will do whatever is in your power to hold back any legislation detrimental to our bilateral economic and trade relations.

With best regards.

Sincerely yours,

HAN XU,
Ambassador.

COMMITTEE FOR FAIR TRADE WITH CHINA,
April 9, 1987.

WILLIAM J. WILKINS,
Staff Director and Chief Counsel, Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR MR. WILKINS: Enclosed are five copies of our comments regarding the legislative proposals to amend the U.S Trade laws concerning the application of the antidumping and countervailing duty laws to non-market economy countries.

Five copies of our comments have also been provided to Mary McAuliffe, Minority Chief Counsel of the Committee.

In the event that hearings are held regarding these matters, we respectfully request the opportunity to be heard.

Very truly yours,

EDWARD W. FURIA,
Managing Director.
ELLIOT L. RICHARDSON,
Special Counsel.

COMMITTEE FOR FAIR TRADE WITH CHINA—SUMMARY OF COMMENTS ON OMNIBUS TRADE ACT OF 1987, APRIL 10, 1987

The current surrogate nation approach to dealing with NME dumping has been criticized by foreign exporters, U.S. importers and domestic industry alike. But thus far the various proposed import price benchmark approaches have also lacked bipartican or international support. It is argued that the lowest import price approach would allow less efficient NME's to export to the U.S. market goods priced as low as the most efficient market economy producer, thereby giving the NME's an unfair advantage. On the other hand, China argues—we believe correctly—that the lowest import price approach would prevent its enterprises from ever being able to undersell competitors in the U.S. market even if they were the lowest cost producers and had fairly priced their goods. The S. 490 "average price from the largest volume producers" approach would produce an even more unfair result for a nation such as China.

The ability of American corporations to sell products and services in China is directly related to: (i) the extent to which they are given fair access to China's markets; and (ii) China's ability, through the sale of its products at fair prices to U.S. markets, to obtain hard currency with which it can purchase such goods and services from American companies. The business climate in China has vastly improved since 1979 as a result of China's economic reforms. In both the rural and urban economies, market forces are carefully and gradually coming into play. These changes already justify distinguishing the treatment accorded to China from that given to the eastern bloc where market forces play little, if any, role; yet under our laws China is still rigidly labeled—along with the USSR, Cuba, North Korea, etc.—as a nonmarket economy country. As a result, even when China has an actual competitive advantage, as soon as it achieves substantial penetration of the U.S. marketplace it is hit with a dumping margin

based on an artificial benchmark and deprived of that competitive advantage. Simply put, the treatment China currently encounters under the U.S. trade laws is unfair and should be changed.

The antidumping law should be amended to create a new category of countries in between market and nonmarket economy called "planned market economies." To be classified as a "planned market economy" a nation would have to be implementing economic reforms that would eventually enable the foreign country to operate on market principles. Other factors to be considered before a nation could qualify for PME category treatment would be the extent to which the nation (i) afforded market access to U.S. goods and services; (ii) provided patent and copyright protection; and (iii) was moving toward fulfulling GATT principles. If U.S. law were amended to create a "planned market economy" category of countries, China would have an opportunity in an antidumping action to show that its cost of production were equal to or less than the price charged for those goods in the U.S. If China failed to make that proof or elected not to do so, the nonmarket economy benchmark price would apply. The effects of such an amendment would be several: (i) China would be treated fairly under the U.S. AD/CVD laws; (ii) U.S. companies would be afforded increased access to China's markets and fair treatment in other aspects of trade; (iii) the U.S. trade laws would reinforce the GATT resumption process in which China is engaged; and (iv) the amendment would provide a pragmatic (i.e. nonideological) reason for China's economic reforms to continue.

We have found no one in the public or private sector who feels that the current AD/CVD laws, as they apply to nonmarket economy countries, are workable, predictable or fair. The current proposed amendments to the law pose their own problems with respect to administrability, and they are not fair to China. We respectfully submit that, without a change in the law such as we propose today, which would recognize the significant economic reforms in China and provide access for Chinese goods on a fair basis to U.S. markets, it is futile for American businessmen to argue for increased fair access to China's markets or to expect that China can earn the hard currency with which to buy American goods and services.

COMMENTS ON S. 490 ANTIDUMPING AND COUNTERVAILING DUTY PROVISIONS

Background and introduction

The current surrogate nation approach to dealing with NME dumping has been criticized by foreign exporters, U.S. importers and domestic industry alike. But thus far the various proposed import price benchmark approaches have also lacked bipartisan or international support. It is argued that the lowest import price benchmark approach would allow less efficient NME's to export to the U.S. market goods priced as low as the most efficient market economy producer, thereby giving the NME's an unfair advantage. On the other hand, China argues—we believe correctly—that the lowest import price benchmark approach would prevent its enterprises from ever being able to undersell competitors in the U.S. market even if they were the lowest cost producers and had fairly priced their goods. The S. 490 "average price from the largest volume producer" approach would produce an even more unfair result for a nation such as China.

The following simplified illustration shows how current law, the Administration approach and the Heinz approach in S. 490 would work in practice for a nation such as China:

Assume that color televisions with certain features are selling in the United States for $500. Further assume that comparable Japanese televisions have been selling in the U.S. for $450, that Korean televisions—the only other comparable televisions sold in the U.S.—were priced at $350, and that a Chinese factory wanted to enter the American market with a comparable color television which it could *fairly* price at $250 and still make a modest profit. If a dumping case were filed against the Chinese the various proposals would work as follows:

(1) Current law (*surrogate approach*)—Korean would be picked as the surrogate nation since in this case it would be the market economy producer whose economy most closely resembled China's. To avoid a dumping margin, the Chinese would have to sell their televisions for $350. American consumers, who would have at least some familiarity with Korean TV's but who would have no recognition of or loyalty to the new Chinese entry would buy the Korean brand (if price was their main concern) or one of the Japanese or American sets (if price was less important to them).

(2) Administration (*lowest import price*)—Again Korea would be chosen as the lowest import price producer. Chinese sets would have to be priced at $350 to avoid the dumping penalty. Again, Chinese sets would be passed over for the more well known—and identically priced—brand from Korea or the best known and higher quality brands from Japanese or U.S. producers.

(3) S. 490—Sen. Heinz (*average price from the largest volume producer*)—Japan would be chosen as the largest volume producer and the Chinese would have to price their sets at $450 to avoid the dumping margin. Again the American consumer would buy the Korean set if price is his main interest, the Japanese or American sets if quality and brand reputation were the criteria, and *the Chinese entrant—unknown and priced at $450—would not even be seriously considered.*

We wish to offer a proposal to amend the laws which we believe will both correct the longstanding problem of the application of the antidumping and countervailing duty laws to nonmarket economy countries, as well as lay a foundation for fair and greater two-way trade with emerging market economy countries in general and the People's Republic of China in particular. We believe the AD/CVD laws can be amended in such a way to treat a nation such as China fairly and encourage her to continue along the historic path of economic reform that her leaders have chosen, while at the same time properly safeguarding U.S. producer and consumer interests.

THE PLANNED MARKET ECONOMY PROPOSAL TO AMEND THE U.S. TRADE LAWS

We propose that the antidumping law should be amended to create a new category of countries in between market and nonmarket economy called "planned market economies." To be classified as a "planned market economy" nation (PME) a nation would have to be implementing economic reforms that would eventually enable the foreign country to operate on market principles. Other factors to be considered before a nation could qualify for PME category treatment would be the extent to which the nation (i) afforded market access to U.S. goods and services; (ii) provided patent and copyright protection; and (iii) was moving toward fulfilling GATT principles.

Under the proposed amendment, the "actual foreign value" of any export from a PME country to the United States for purposes of dumping margin calculations would be determined by examining actual costs of production of the export in that country. Where the International Trade Administration (ITA) of the Department of Commerce finds that any component of production was not included in calculating the domestic costs of the export or was not determined by market means, adjustment for that component's price would be substituted or added to the price based upon world market prices (or, for example, the lowest import price) for the component.

If this system were unable to produce an "actual foreign value," an "imputed foreign value" would be determined. The "imputed foreign value" would be the average arms length sales prices of comparable merchandise (adjusted for quality, terms of sales and similar items) sold in the United States by the lowest price market economy country importer of the comparable merchandise. This is the benchmark test for measuring NME imports in dumping proceedings that has been proposed by the Administration. It is a better and fairer benchmark than the use of surrogate countries. In the event that the Congress adopted the Heinz proposal for NME's instead of the Administration approach, the imputed foreign value would be based on the "average price from the largest volume producer."

In a case where the respondent qualifies as a PME and can prove that all cost components of its export are market driven, the CVD law would not need to be applicable since, by definition, no component would be subsidized. In a case where one or more components were subsidized, a world market price—lowest import price or average import price could also be used—for that component would be substituted so that the final price of the PME product would reflect the fair value and full cost of all inputs. In a case where the PME fails to make the proof required or opts not to try, the NME benchmark would apply, and should Senator Glenn's proposal to make the CVD law applicable to NME's be adopted, we would urge that this proposal be modified so that the injury test would be applicable in all NME and PME countervailing duty cases. If the injury test were not to be applicable in such cases—in other words if countervailing duties were levied even though no American company were harmed by an import—it would be the American consumer who would suffer injury.

Discussion of proposal

The fundamental problem faced by China with respect to U.S. trade law is that under current law nations can only be classified under the antidumping and countervailing duty laws in one of two ways: either as market economies or as nonmarket economies. To date, the Commerce Department has adopted the position that China's economy more closely resembles a nonmarket economy than a market economy and has classified China as such.

In 1978 China began to institute extraordinary economic reforms in the countryside, allowing market forces to substantially affect the agricultural economy; since then there has been a doubling of the incomes of China's 800 million peasants. In the last few years China has begun the process of care-

fully and gradually implementing equally remarkable reforms in the cities: decentralizing industrial management, opening enterprises to the risk of failure and bankruptcy under a trial law, making the employment of newly-hired workers subject to a contract under which they can be fired, and allowing firms to retain foreign exchange earnings through the sale of securities to the public. China can therefore no longer be rigidly described as a pure "nonmarket economy." Simply put, steps are carefully being taken through both rural and economic reform to gradually introduce market-oriented prices in the place of artificially controlled prices. These changes already justify distinguishing the treatment accorded China under U.S. trade laws from that given to the Eastern bloc, where market forces play little, if any, role; yet under our laws, China is still rigidly labeled—along with the USSR, Cuba, North Korea, etc.—a nonmarket economy country. As a result, even when China has an actual competitive advantage and has fairly priced its exports, as soon as it achieves substantial penetration of the U.S. marketplace it is hit with a dumping margin based on an artificial benchmark and deprived of that competitive advantage. Simply put, the treatment China currently encounters under the U.S. trade laws is unfair and should be changed.

While the proposed PME amendment to the AD/CVD laws would give countries in this new category the opportunity to justify their domestic prices, it would not compel acceptance of their domestic prices. If, therefore, it should prove impossible to obtain cost data of sufficient accuracy and quality in any antidumping case, the "lowest import price from a market economy importer" or the "average price from the largest volume producer" alternative (i.e. the benchmark used for NME's) would be used instead to determine dumping margins.

If the PME amendment becomes law, it is to be expected that until China puts into place adequate cost accounting systems, it will in some cases have difficulty in assembling the necessary cost data for products which are the subject of antidumping cases. To help design and install the commonly accepted cost-accounting methods needed for this purpose, it has been suggested that China seek the help of one of the leading American accounting firms. There is further incentive and reward to China in instituting such realistic accounting; the process will almost certainly provide Chinese managers with a much better picture of commercial efficiency and profitability than current methods.

This proposal could also have the added benefit of simplifying the administration of the trade laws as they apply to planned market economy countries. Under existing law, as well as under the alternatives being considered, the ITA is required to consider domestic manufacturing costs whenever a respondent seeks to show that its particular sector of a nonmarket economy is market-driven. The ITA's task in such a case is essentially the same as that required by our proposed amendment. Under the amendment, however, administration would be simplified by being made subject to clear and well understood procedures. This would result from the issuance of regulations setting out the guidelines and standards of proof that the ITA would employ to determine domestic costs under this amendment. The amendment, therefore, would actually be more predictable and workable than current law or the alternatives.

Benefits of the planned market economy proposal

Enacting an amendment creating this new category of nations under the U.S. trade laws would make possible several positive outcomes:

1. It would eliminate the valid criticism of China that our AD/CVD law treats it unfairly.

The PME amendment would give China the opportunity for its enterprises to be treated like those in a market economy to the extent that those enterprises are market driven and no further. China would be given the chance to enjoy any real and fair competitive advantage in the marketplace it truly enjoyed provided it can prove it has that advantage. The PME approach, which can be combined with any of the benchmarks and/or a section 406 injury-only approach, would be considered fair—indeed China has endorsed the PME amendment and communicated its support to the Reagan Administration—because it gives a nation which has announced and is instituting market-oriented economic reforms the opportunity to prove that their exports are fairly priced before they are hit with a dumping margin based on an artificial benchmark.

2. The door would be opened for fair treatment for U.S. enterprises in China.

We refer here not only to the market access, intellectual property and GATT principles points mentioned earlier herein, but also to the fact that, once our laws are made fair to China, Administration negotiators will be able to negotiate more forcefully and effectively with ther Chinese counterparts in all bilateral and multilateral fora. In addition the ability of American corporations to sell their products and services to China is directly related to China's ability through the sale of its products at fair prices to U.S. markets, to obtain hard currency with which it can purchase such goods and services from American companies.

3. The U.S. trade law would reinforce the GATT resumption process for China (and not contradict it).

The same basic and central reform at the heart of the proof necessary for China to enjoy the benefit of "planned market economy" treatment is at the heart of the reforms necessary for China to resume its seat in the GATT—viz., market pricing. Ironically, if an artificial benchmark—any artificial benchmark—is adopted (without a PME-type provision), in order for Chinese enterprises to avoid being the subject of antidumping cases they must set prices at the benchmark level set for NME's. Simply stated, any of the benchmark approaches—used alone—encourage central government control of prices, not the price decontrol required of GATT contracting parties.

4. Lastly, the PME amendment would provide pragmatic i.e., nonideological, encouragement to China to continue its course of economic reform and decentralization.

Recent continuing reports out of China convince us that the potential impact of the PME amendment on China's reforms (and perhaps on reforms in the eastern bloc as well) is reason enough to do it.

Concerns and Responses

Thus far in the effort to seek support for the PME amendment in the Administration and the Congress, four basic concerns have been voiced. These concerns—and our responses—are as follows:

1. The PME amendment if adopted, would be impossible to administer.

The ITA has voiced this concern because the amendment provides that the ITA would substitute world market prices (or lowest or average import prices) for those cost components of goods from a PME nation which have not been proven to be market-driven or which were subsidized. An expert practitioner in the NME trade law area, former ITA Administrator Gary Horlick, testifying before the Trade Subcommittee of the House Ways and Means Committee, supported the PME amendment and has stated that it would be as administrable as current law or any proposal based on a price benchmark. Under current law (and the proposed alternatives) whenever an NME requests market treatment for a sector which it alleges is market-driven, the exercise required by the ITA entails the same investigation and examination of production methods and costs and domestic prices, but in that exercise the ITA does not have the benefit of guidelines and regulations which it could promulgate to implement a PME-type amdendment. PME regulations, for example, could include guidelines spelling out the standards of proof which a respondent nation must meet to justify costs, thereby encouraging the introduction of western style cost accounting procedures. The regulations might also specify a minimum number of cost components that would have to be market-driven in order to qualify for PME treatment. The PME amendment essentially entails having the ITA apply market economy tests to those cost components that are market-driven and the NME test to those that are not or are subsidized.

2. The PME amendment would be "bad trade law" because it is discretionary and the antidumping law should be non-discretionary and essentially nonpolitical.

The PME amendment would be no more or less discretionary and political than current law or the proposed price benchmark alternatives. The process has been 'political' since the creation of the NME distinction and the PME approach does nothing to add to or subtract from that fact. Under all of the approaches the first step the executive branch must take is to decide whether a nation fits into the market or nonmarket category of countries. The fact that this process necessarily entails the exercise of discretion is demonstrated by its results to date: Brazil is considered a market economy, right along with the UK, Japan and our European allies; China and Hungary, on the other hand, are still thrown in with the straight-jacket economies of Czechoslovakia and Cuba. In other words, it is the process of categorizing nations before one applies the antidumping test that involves the exercise of discretion—and more than a little bit of politics and policy. Once the category is chosen the process becomes one of fact-finding and is entirely nondiscretionary—this remains true for the PME approach as well.

During the process of deciding whether a nation can fit into the PME category by taking into account the extent to which a nation is providing market access and intellectual property protection to U.S. producers and is embracing principles of the GATT, the PME amendment would be doing nothing more than providing a framework for the exercise of executive discretion and putting nations who would wish to obtain PME treatment on notice that trade between themselves and the United States has to be fair and has to be a two-way street.

The fact that the PME category might also have the effect of encouraging a nation to institute market reforms or continue down a path toward market pricing does not make it discretionary and political or "bad trade law."

3. The PME amendment could unrealistically raise expectations of NME's, including China.

We are sure that, in the case of China, whose embassy and MOFERT have been exposed to the PME concept since the spring of 1986, there are no false expectations of the PME amendment providing a "free ride" or a license for Chinese enterprises to dump their products in the U.S. marketplace. On the contrary, it has been made clear in numerous communications here and in Beijing that merely to begin to take advantage of the PME amendment, Chinese enterprises will have to implement accurate and effective cost accounting in order to make the difficult proof required by the amendment. Attached to these comments is draft report language which would make clear to nations who would expect to obtain PME treatment that they must prove not merely assert that their industries are market driven.

4. The PME amendment would actually result in higher dumping margins for a nation like China.

The PME amendment could not result in higher margins than those applicable under the NME benchmark because the respondent can simply not attempt to prove its prices were market derived and the NME benchmark would apply or request that the NME approach apply after failing to meet the required proof.

[From the National Journal magazine, May 2, 1987]

TRADE MOVES CHINA OFF THE SIDELINES

(By Bruce Stokes)

"If we cannot sell our goods, how can we buy?" asked Han Xu, the ambassador of the People's Republic of China. "If we can sell more, then we can buy more."

The ambassador's statement, in a rare interview, was not meant to be taken lightly. It is part of a concerted effort by the Chinese to send a message to the Reagan Administration and to Congress about their growing concern that trade legislation now pending in the Senate—especially proposed reforms of the U.S. antidumping statute—will cripple Chinese exports to the United States and imperil the sale of U.S. goods to China.

The Chinese want the opportunity to prove that because of the liberalization of their economy in recent years, the prices of some of their exports are set by market forces and thus not subject to the arbitrary pricing test now required of nonmarket economies when they are charged with dumping, that is, selling below the fair market value. Such a change could, they think, significantly increase their exports to the United States.

The Chinese are unlikely to get what they want. Neither Congress nor the Administration appears willing to convey a special benefit on China in the context of a tough new trade bill that effectively withdraws benefits from other trading partners.

Nevertheless, some rewriting of U.S. dumping laws seems likely this year, given the widespread dissatisfaction on Capitol Hill and among trade experts with the current procedure. The reforms are likely to make it more difficult for the Chinese to sell in the American market, not easier. Given the importance the Chinese place on this issue, this may not bode well for Sino-American trade, which totaled $7.8 billion in 1986.

In recent years, while many of America's trading partners have increased their efforts to influence U.S. trade legislation, China has generally abstained. But this year, the Chinese embassy has broken with precedent. In March, Huang Wen-jun, China's commercial minister-counselor in Washington, called William B. Abnett, director of Chinese affairs in the Office of the U.S. Trade Representative, to express his government's support for a proposal by the Committee for Fair Trade with China to treat China under the antidumping law as neither a market economy nor a nonmarket economy, but as a new hybrid, a planned market economy.

With no indication of a favorable Administration response, the embassy is upping the ante. In early May, Members of Congress and key Cabinet officers were due to receive letters outlining China's concerns with the trade bill. This would be only the third time China has ever written such a letter.

Under current U.S. law, if an American manufacturer thinks an imported product is being dumped, it can ask for a Commerce Department investigation. That inquiry looks at the foreign producer's costs or prices, and if those indicate the good is being sold below that value, the U.S. government can apply a duty to increase the import's price to bring it into line with its production costs.

This can be tricky because the costs to a producer in a nonmarket economy are often set by the government, not by market forces. To get around this complication, the Commerce Department attempts to determine a fair price in dumping cases involving nonmarket economies by looking at the prices or costs of inputs for a similar product made in a comparable market economy.

"There is a consensus that [this] does not work," said Gary N. Horlick, a partner in the Washington office of the Los Angeles law firm of O'Melveny & Myers, who implemented the antidumping law as deputy assistant Commerce secretary for import administration in 1981-83. It's difficult to obtain the necessary information, he said. It's nearly impossible to compare prices in market and nonmarket economies. And the whole process is unpredictable.

Both the Administration and congressional critics of the antidumping statute agree. To remedy the situation, they suggest a new, more transparent pricing standard.

The Administration proposes that nonmarket producers accused of dumping be assumed to have costs equal to the lowest average price of a comparable import from a market economy. At one point, this approach was included in the House Ways and Means Committee's markup of its trade bill (HR 3) but was eventually dropped by the committee.

Sen. John Heinz, R-Pa., proposes that the benchmark be the average price of similar goods from the market economy with the largest share of the U.S. market. The Heinz approach is currently embodied in the principal Senate trade bill (S 490). "People are satisfied with neither alternative," said a Senate staff aide. "But whenever the Administration and Heinz can agree on something [the need for setting a new price standard], people think they had better go along."

The Chinese contend that both current law and the proposed reforms are unfair to them and to American consumers. Their present classification as a nonmarket economy exposes them, they say, to an inordinate number of dumping suits—15 since 1980, 6 in 1985 alone—that have a chilling effect on trade.

"Under existing law, it is impossible for China to achieve market penetration without being hit by a dumping suit that will nullify their efforts," said Elliot L. Richardson, a partner in the Washington office of the New York law firm of Milbank, Tweed, Hadley & McCloy and special counsel to the Fair Trade committee.

This is particularly frustrating to the Chinese, acknowledges a U.S. trade official. "We told the Chinese to get out of textiles because they were too [politically] sensitive," he said, "but when they do [start shipping other things], we slap them with antidumping cases."

Moreover, "the effect of the dumping charges against China has been an increase in centralized control over pricing [to avoid dumping duties]," said Gary S. Marx, a counsel to Dutko & Associates, a Washington lobbying firm that represents H.C. International Trade Inc., which imports nails from China.

While China admits it is not a market economy, it is also no longer a nonmarket economy, contended Edward W. Furia, a consultant who is the prime mover behind the planned market economy proposal. "It's only fair [in dumping cases] to give them the chance to prove that the prices of some of their exports are market driven," he said. Where they cannot make that proof, the higher price standard inherent in the Administration or Heinz proposal or in current law would apply. This approach is not embodied in any legislative proposal, but it does have Chinese blessing as better than the other alternatives.

The Administration contends that this proposal would be an administrative nightmare. In addition, "it's a blatant fix for a single country," said a Senate staff aide who supports the Heinz approach. Moreover, he said, the Chinese "are tremendously exaggerating the potential impact of continuation of the current law or the passage of the current law or the passage of the proposed reforms." He points out that textiles—China's largest export to the United States—are exempt from dumping laws and that recent dumping cases have involved a small portion of U.S.-China trade.

Horlick, who does not present the Chinese in this matter, disagrees. He says that from his experience, the planned market economy approach would be no more difficult to administer than current law and "would encourage the 'marketization' of nonmarket economies."

China's last-minute lobbying may be of no avail, however. The Senate Finance Committee is likely to endorse the Heinz approach, which the full Senate will probably go along with. Given the interest of Ways and Means Committee chairman Dan Rostenkowski, D-Ill., in the Administration approach and Senate support for the Heinz remedy, some change in the antidumping treatment of nonmarket economies seems inevitable in the House-Senate conference on the trade bill.

To salvage the situation, "somebody needs to come up with something else creative," said a Senate staff aide. One approach, that may be offered to the Finance Committee, is to tie special treatment for China to further opening of their market to U.S. products. Alternatively, the Chamber of Com-

merce of the United States proposes abandoning a pricing standard for nonmarket economies altogether. American firms filing a case would not have to prove unfair pricing but would have to show injury in the United States as a result of the import. This approach, Horlick said, would "provide simplicity, lower costs and remove the random nature of the present system." It would also make it harder to block imports from China.

"The House-passed trade bill has a bastardized version of the chamber approach, which is actually worse for the Chinese," noted a trade expert, "but it does open the possibility for tinkering in the conference committee." Whether there is much interest in such tinkering is another question. "The intensity and the uniqueness of China's advocacy could be significant," a Senate staff aide said. "Whether it will make a decisive difference I don't know."

What is clear is that this disagreement over China's treatment under the U.S. antidumping law comes at a time of growing friction. So far this year, the United States has placed numerous embargoes on imports of Chinese textiles and apparel. For its part, China is complaining that most of its applications for licenses to import U.S. technology are either rejected or never acted upon. Clearly, storm clouds are brewing.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, May 29, 1987, to hold a hearing on U.S. policy in the Persian Gulf.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 29, 1987, to mark up S. 661, the Medicare and Medicaid Patient and Program Protection Act of 1987, and S. 1127, the Medicare Catastrophic Loss Prevention Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.9 billion in budget authority, but over in outlays by $13.3 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 27, 1987.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, Senate Concurrent Resolution 120. This report meets the requirements for Senate scorekeeping in Section 5 of Senate Concurrent Resolution 32 and is current through May 22, 1987. The report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended. At your request this report incorporates the CBO economic and technical estimating assumptions issued on January 2, 1987.

Since the last report, the President has signed H.R. 1157, a temporary increase in the public debt limit.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100th CONGRESS, 1st SESSION AS OF MAY 22, 1987

[Fiscal year 1987—in billions of dollars]

	Current level[1]	Budget resolution S. Con. Res. 120	Current level +/− resolution
Budget authority	1,089.5	1,093.4	−3.9
Outlays	1,008.3	995.0	13.3
Revenues	833.9	852.4	−18.5
Debt subject to limit	2,275.5	[2]2,322.8	−47.3
Direct loan obligations	42.5	34.6	8.0
Guaranteed loan commitments	140.5	100.8	39.8

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,320 billion (H.R. 1157).

FISCAL YEAR 1987 SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT U.S. SENATE, 100th CONGRESS, 1st SESSION AS OF MAY 22, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			833,855
Permanent appropriations and trust funds	720,451	638,771	
Other appropriations	542,890	554,239	
Offsetting receipts	−185,071	−185,071	
Total enacted in previous sessions	1,078,269	1,007,938	833,855
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100–4)	−4	−4	
Emergency Supplemental for the Homeless (Public Law 100–6)	−7	−1	
Surface Transportation and Relocation Act (Public Law 100–17)	10,466	−80	2
Technical Corrections to FERS Act (Public Law 100–20)	1	1	

FISCAL YEAR 1987 SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT U.S. SENATE, 100th CONGRESS, 1st SESSION AS OF MAY 22, 1987—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total enacted this session	10,456	−84	2
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses:			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Special milk	6	3	
Veterans compensation	173		
Readjustment benefits	9		
Federal unemployment benefits and allowances	33	33	
Advances to the unemployment trust funds [2]	(3)	(3)	
Payments to health care trust funds [2]	(224)	(224)	
Family social services	110		
Medical facilities guarantee and loan fund	5	4	
Payment to civil service retirement and disability fund [2]	(33)	(33)	
Coast Guard retired pay	3	3	
Civilian agency pay raises	358	373	
Replenishment of disaster relief funds [1]	57	50	
Total entitlements	754	467	
Total current level as of May 22, 1987	1,089,479	1,008,321	833,857
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution		13,321	
Under budget resolution	3,871		18,543

[1] Included at request of Senate Budget Committee.
[2] Interfund transactions do not add to budget totals.

Note—Numbers may not add due to rounding.●

REAPPOINTMENT OF JAMES K. ASSELSTINE TO THE NUCLEAR REGULATORY COMMISSION

● Mr. HUMPHREY. Mr. President, since 1982, James K. Asselstine has served on the Nuclear Regulatory Commission [NRC] with great distinction. Mr. Asselstine's term ends on June 30, 1987. I strongly urge that Mr. Asselstine be reappointed to serve another term as a NRC Commissioner.

Mr. Asselstine has consistently upheld the NRC's primary mission to assure public health and safety. Mr. Asselstine's commitment to public service has been demonstrated throughout his term by his thorough, balanced and indepth analyses of issues before the Commission.

Mr. Asselstine, a lawyer with over a decade of professional experience in the regulation of nuclear energy, provides an important perspective on the Commission. His past experience includes positions as counsel to the Senate Environment and Public Works Subcommittee on nuclear regulation, staff attorney in the Office of the Executive Legal Director, at NRC, and assistant counsel to the Joint Congressional Committee on Atomic Energy. I believe that Mr. Asselstine's knowledge of nuclear licensing procedure, operations, safeguards and waste dis-

posal make him uniquely qualified to continue his work as a commissioner.

Mr. President, public confidence in the NRC depends upon the integrity of the Commissioners. The protection of public health and safety is the highest priority in the regulation and use of nuclear energy. In working to maintain standards which provide assurance that public health and safety will be protected, the NRC strives to fulfill its mandate. I believe that Commissioner Asselstine has accrued an outstanding record on these issues.

Mr. President, the nuclear industry and the American people are well served by Mr. Asselstine. I urge my colleagues to join me in recommending the reappointment of Mr. Asselstine to serve another term as a Commissioner of the NRC.●

THE AMERICAN CONSERVATIVE UNION SUPPORTS S. 402

● Mr. HUMPHREY. Mr. President, from time to time I have inserted into the RECORD letters which I have received supporting S. 402, a bill to provide the President with limited line-item veto authority. I have received letters from Governors across the country and from various organizations who are truly concerned with the Federal budget process.

People from every corner of our Nation have come to realize that one of the major causes of our triple digit deficits and mammoth national debt is the budget process itself. While some argue that the problem is one of substance and not process, it is clear to many of us that in order to get to the substance, we must first change the process.

Mr. President, I recently received a letter from Mr. David A. Keene, chariman of the American Conservative Union. As Mr. Keene points out in his letter, "the appropriations process in Congress has become a sham and the misuse of pork-laden continuing resolutions to force the President to accept budget-busting spending must stop."

As we all know, last year's $576 billion continuing resolution, making up all appropriated spending for fiscal year 1987, was full of unnecessary items. However, it is doubtful whether anyone in this body knew exactly what was in the bill until it was too late. The President was forced to swallow the whole bill in order to avoid shutting down the Government.

Mr. President, reform of the budget process will come to the floor in July, when the current debt limit is scheduled to expire. As my colleagues consider this important matter, I would urge them to keep in mind the comments of Mr. Keene and others who have written me concerning the line-item veto proposal embodied in S. 402.

Mr. President, I ask that the letter I have received from Mr. Keene, chairman of the American Conservative Union, be printed in the RECORD.

The letter follows:

Washington, DC, May 21, 1987.

Hon. GORDON J. HUMPHREY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HUMPHREY: On behalf of the American Conservative Union, I want to thank you for your continuing efforts over the years to bring fiscal responsibility back to Congress.

The ACU has long supported efforts to bring back into balance the inherent tax and spend propensity of Congress with the conviction of a vast majority of the American people who accept as a matter of course the need to "balance the checkbook."

And now Senator, we will stand beside you in your efforts to restore this balance by giving the President the power of a "line item veto."

We are well aware, as you are, that the appropriations process in Congress has become a sham and the misuse of porkladen Continuing Resolutions to force the President to accept budget-busting spending must stop. That is why we wholeheartedly support your bill, S 402, that would require Continuing Resolutions be broken up into separate items before being sent to the President.

Passage of S 402 would be a first step in a long-awaited program to strengthen the institutional "checks and balances" on the *spending side* so that the American people will not be further penalized on the *tax side.*

We at the ACU want you to know that we greatly appreciate your tireless work for a better America and stand with you in this legislative initiative.

Sincerely,

DAVID A. KEENE.●

PROTECTING SOCIAL SECURITY

● Mr. BOSCHWITZ. Mr. President, who can disagree with the laudable goal of protecting Social Security? But, the ends do not always justify the means.

Yesterday I received a letter from Norma Alm in Hinckley, MN. I will submit Mrs. Alm's letter for the RECORD, the gist of it is that she fears the Government is gambling with Social Security funds. She received a letter from the "Social Security Protection Bureau" offering not only membership in this organization for her $7 fee but a chance to win $50,000 in the Social Security sweepstakes. I can understand why Mrs. Alm was concerned when she thought the Federal Government was setting up a lottery with Social Security funds.

This is the first I have heard of the "Social Security Protection Bureau," but sadly it is not the first I have heard of these type of organizations using deception and fear to exploit senior citizens.

For a $7 or $10 membership fee they offer members such things as a gold embossed Social Security card, a personal statement of the member's Social Security record, an annual Social Security guide to retirement, and representation in Washington, DC. Other than the gold embossing on the Social Security card all these services are already available to anybody who requests the information. As for representation in Washington, DC, I was under the impression that was being provided by the Senators and Congressmen elected by the people to represent them.

First let's get the facts straight. The balance of the old-age and disability trust fund stood at $49.9 billion, an all-time high, at the end of January, according to former Social Security chief actuary, Robert J. Myers. He attributes the record-breaking amount to the Social Security financial rescue law Congress enacted in 1983 and the large baby-boom population paying into the system.

Under current projections the balance is estimated to reach $247 billion by the end of 1991, and continue to grow, reaching $12.5 trillion in 2032. Anyone who is alive now—whether they are 2 or 92—will enjoy the benefits of the system. In view of these statistics it is unfortunate that some groups have made wild claims about the health of the system.

My advice to seniors who write me is, "Don't let anyone scare you." Social Security is safe and sound, and no politician would dare to undermine it. I've seen newsletters and news articles that would make you think the end is near for Social Security. You can't take that stuff seriously. Social Security is solvent and, in my judgment, will be around when I retire and my children, too. I have no grandchildren yet or I'd include them as well.

It's very unfortunate that organizations have used scare tactics to frighten people into giving contributions and to build their membership rolls. These groups have really behaved irresponsibly and should be on notice that these shenanigans had better stop or Congress will find a way to put an end to the exploitation of older Americans.

The letter and enclosure follows:

HINCKLEY, MN,
May 19, 1987.

SENATOR BOSCHWITZ: I received this material in the mail today and it is upsetting to think the government is gambling with our Social Security funds. What has Canada got to do with it?

I thought you might be interested in this.

Sincerely,

NORMA ALM.

SOCIAL SECURITY PROTECTION BUREAU,
Washington, DC.

DEAR FRIEND: You could be a winner in the "Social Security" $50,000 Sweepstakes!

Plus you're guaranteed to receive a valuable "Mystery Gift" when you help protect your social security benefits by sending your check for $7 to join the Social Security Protection Bureau.

So today complete and return the enclosed Official "Social Security" $50,000 Sweepstakes Coupons along with your $7 check.

Right now you may stand to collect over $90,000 in Social Security benefits for your first 10 years of retirement. That's why you need the Social Security Protection Bureau to help you protect this big investment. As a Bureau member, you'll be entitled to all these valuable benefits.

Your Personal Gold Embossed Social Security Card to replace the paper social security card you now own. If lost or stolen, paper Social Security Cards can be changed so that illegal aliens, etc. can actually use your social security number. That's why you should have a plastic Social Security Card. Our plastic cards are durable, almost impossible to alter or change, are accepted everywhere your paper card is, and can be used as proof of identification for check cashing, etc.

Personal Statement of Your Social Security Record which we will help you get directly from the Social Security Administration. Every year hundreds of thousands of Americans are not given proper credit for money they pay into Social Security. That's why it's so important you get a statement from Social Security which shows exactly how much you've paid in. Should there be any errors you can correct them before it's too late.

$500 reward for information leading to the arrest and conviction of anyone who steals your Social Security Card, illegally uses your social security number, or tries to fraudulently collect your Social Security benefits.

Social Security Guide to retirement sent to you every year. This short, easy to understand guide will keep you posted on all the different rule changes and procedures you need to know to qualify for maximum social security benefits.

Representation in Washington, D.C. to protect your Social Security Benefits. Our staff will constantly monitor proposed legislation in Washington, D.C. to make sure you won't lose any of the Social Security and Medicare benefits you're entitled to.

Your Social Security benefits are too important to leave unprotected.

That's why I urge you to join the Social Security Protection Bureau—and why we're offering you a chance to be a winner in the "Social Security" $50,000.00 Sweepstakes.

No payment is required to enter the Sweepstakes. However, if you enroll as an SSPB member for one year by sending us your check for $7 along with your coupons, you'll be guaranteed to win a valuable "Mystery Gift"—a prize I know you'll enjoy. Plus you'll receive your SSPB membership kit by return mail.

So send your Coupons and your $7 check today . . . and good luck!

Sincerely,

P.D. MORRIS,
Program Director.●

THE 100TH ANNIVERSARY OF FOXBURG COUNTRY CLUB

● Mr. HEINZ. Mr. President, I rise to commemorate the 100th anniversary of the Foxburg Country Club, in Foxburg, PA, which has the oldest golf course in continuous use in the United States and is also home of the American Golf Hall of Fame.

In 1884, Joseph Mickle Fox learned to play golf while on a trip to England. Upon returning to Pennsylvania, Mr. Fox began to play on the meadows surrounding his ancestral summer home near Foxburg. In 1887, he provided land for what was to become the Foxburg Country Club.

In recognition of its place in golf history, Foxburg, PA, was chosen to be the site of the American Golf Hall of Fame, which inducted its first group of golf immortals on August 29, 1965.

I am proud to represent the Commonwealth that has played such a prominent role in fostering and promoting the great game of golf in America, and I salute the Foxburg Country Club, the oldest golf course in the United States, which is celebrating its centennial anniversary this year.●

TOMB OF THE UNKNOWNS

● Mr. McCAIN. Mr. President, last week I introduced legislation that would officially designate the area of Arlington National Cemetery where the remains of four unknown service members are interred as the "Tomb of the Unknowns." I am joined in this effort by Senator STENNIS and Senator DECONCINI.

The Tomb area and its guard have been the personification of dignity and reverence for generations of Americans. The monument symbolizes the extent of American sacrifice and service during our struggles to preserve freedom. But the Tomb area, in which the bodies of the unknown servicemen of World War I, World War II, the Korean conflict, and the Vietnam war have been laid to rest, has never been officially named. The title "Tomb of the Unknown Soldier" came into existence through popular usage and acceptance. Mr. President, the time has come to name in law this most sacred monument to our Nation's noble fallen warriors.

The authority to name any and all features within Arlington National Cemetery, including the Tomb, rests with the Secretary of the Army. However, since 1959, it has been the Department of the Army's position that Congress should determine the official title for the Tomb area. And so it is now up to us.

All through our history, America has served as a beacon to others; serving as a source of political inspiration, a haven for the poor and oppressed, and a friend to nations in times of need. But our efforts to defend with our lives, certain inalienable rights and liberties for all people, wakes us to the realization that the price of freedom is very high indeed.

As I reflect upon the many feats of heroism displayed by American servicemen and women on and off the battlefield, I cannot help but collectively remember the more than 1 million individuals who have kept burning the flame of freedom and held open the door of opportunity with their very lives.

The willingness of some to give their lives so that others might live unencumbered by the burdens of despotism always seems to evoke in us a sense of amazement and respect. I have no illusions about what little I can add to the silent testimony of these brave Americans. Yet, I know that we must continue to honor them.

In closing, I would like to read a passage of a news account of the interment of the First Unknown. It is emblematic of a caring and grateful nation.

The casket, with its weight of honors, was lowered into the cript. A rocking blast of gunfire rang from the woods. The glittering circle of bayonets stiffened to a salute to the dead. Again the guns shouted their message of honor and farewell. Again, they boomed out; a loyal comrade was being laid to his last, long rest.

High and clear and true in the echoes of the guns, a bugle lifted the old, old notes of taps, a lullaby for the living soldier, in death his requiem. Long ago some forgotten soldiers poet caught its meaning clear and set it down that soldiers everywhere might know its message as they sing to rest:

The guns roared out again in our national salute. He was home, the unknown, to sleep forever among his own.

"Fades the light;
and afar
goeth day, cometh night,
and a star
leadeth all, speedeth all,
to their rest."

Mr. President, let us not abrogate the responsibility that has been thrust upon us. Let's officially designate this sacred and hallowed ground as the Tomb of the Unknowns.●

THE HONORABLE STEWART B. McKINNEY—HE DID US HONOR

● Mr. DODD. Mr. President, of all the words of tribute that have been spoken and written since the tragic death of our colleague, the Honorable Stewart B. McKinney, none capture the spirit of this humane public servant as well as those that were penned by Stew's good friend, Joe Owens, and published as an editorial in the Bridgeport Post and Telegram newspapers on May 8, 1987.

The editorial, a touching eulogy to a man who served his district, his State, and his country for more than 16 years in the U.S. Congress, appeared beneath a half-page of sketches illustrating Stew's dedication to his constituents and his concern for such problems as shelter for the homeless, the war against drugs, protection of the environment, and the availability of low-income housing. The sketches frame a line drawing of a smiling Stew McKinney, with a plaque bearing the legend: "Congressman for All the People."

Stew McKinney was a Congressman for all the people—as all his colleagues well knew.

Mr. President, I ask that the text of the article be printed in the RECORD.

The article follows:

REPRESENTATIVE STEWART B. MCKINNEY—HE DID US HONOR

It has been said, "A dying man needs to die, as a sleepy man needs to sleep."

U.S. Rep. Stewart B. McKinney was a man with intuitive perception and infinite compassion. From 1971 until his death, he represented Connecticut's 4th District in the U.S. House of Representatives.

Some of the wealthiest people in the country reside in the district. Conversely, pockets of poverty exist in the cities. These neighborhoods have been injected with the poison which is the plague of the 20th Century—drugs.

Stew was deeply concerned about the urban ghettos for a number of reasons, especially because the youths in these areas are prey for the human parasites who sell drugs. In a sense, Stew was a Republican whose thinking and actions paralleled those of the late Senator Robert F. Kennedy.

There was no phony pretense about him. In conversation, he was candid. Perhaps, at times, Stew was reckless with words. But, always, he spoke his mind.

Stew never feigned to be what he was not. He loved being a congressman. The U.S. Senate had no appeal for him, nor did the governorship. The gentleman who has been taken from us had a special affection for the House of Representatives.

The facts of the Congressman's life do not fully reveal the nature of the man. Yes, he dealt with international and national issues with intelligence and decisiveness. Of equal or more importance was his genuine desire to help the disadvantaged. Because Stew McKinney never saw himself as a man deserving special treatment, he could visit shelters for the homeless and provide comfort and encouragement for people cruelly trapped by fate.

Always alert to the possibility that he might be able to make life a little better for others, he obtained a multimillion-dollar grant last year for the rebuilding of Father Panik Village in Bridgeport.

It was not difficult in Congress for Rep. McKinney to cross the aisle and gather the support of Democrats for his proposals. The public good, not politics, dominated his thinking and actions. His colleagues knew this. Stew was dedicated to the belief that the American process, if not tinkered with, would work for the benefit of all.

Not generally known is the fact that he and the late Gov. Ella T. Grasso corresponded regularly. Many of the notes were written by Ella when she was bored during a meeting in the state Capitol. Often, Stew's writings were done while a long-winded bureaucrat or representative of a special interest group testified during a committee hearing.

Ella, the Democrat, and Stew, the Republican, had much in common. Both enjoyed good humor and had little regard for practitioners of pomposity.

Stewart B. McKinney cherished the principles upon which this nation and state were built. He loved to debate, but he did not seek to wound. Back in the 1960s, while in the General Assembly, he made a remark which was reported out of context. It appeared that he had questioned the integrity of Gov. John N. Dempsey.

The following morning, the legislator from Fairfield went to the Capitol early, awaited the governor's arrival and apologized for any embarrassment the reports may have caused Gov. Dempsey. On that occasion, a bond was formed, a friendship that endured, with each man holding the other in high esteem. There was nothing superficial about Rep. McKinney. When he believed a Republican or Democratic president was right, he supported the chief executive. If he disagreed with policies emanating from the White House, he followed the dictates of his conscience.

At 56, Stewart B. McKinney was too young to die. And at 56, he had suffered from pain for far too many years. While Stew was in his forties, a coronary bypass saved his life. In the past few years, he was beset by a variety of medical problems, but somehow he managed to carry on, insisting that tomorrow would be a better day.

Maybe he knew the odds were against him, but he fought hard and was cheerful to the end. During his campaign in 1986, Stew was open and frank. He invited voters to scrutinize his record. They did and he won a 9th term. As he traveled about the 4th District, the unthinkable was thought. It might be the last campaign for the elected official people had come to view as "Old Reliable."

Members of the Congressman's staff knew people were his first priority. This was a reflection of his thoughtful nature, his belief that government exists to serve people, not cause them grief. It was an endearing characteristic of the man.

U.S. Rep. Stewart B. McKinney did the 4th District, the entire state of Connecticut and the U.S. Congress honor by devoting much of his adult life to public service.

He never demanded, or asked, or maneuvered anything for himself. Always, he was alert to the possibility of privately performing an act of kindness. Sadly, today the old saying, "The good die young," rings true.●

ORDERS FOR TUESDAY, JUNE 2, 1987

ORDER FOR ADJOURNMENT UNTIL TUESDAY, JUNE 2, 1987 AT 11 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 o'clock a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO RESOLUTIONS AND MOTIONS OVER, UNDER THE RULE, COME OVER AND WAIVING CALL OF CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, any resolutions or motions over, under the rule, not come over and that the call of the calendar under rules VII and VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF PERIOD FOR MORNING HOUR

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, after the two leaders or their designees have been recognized under the standing order, there be a period for morning business not to extend beyond the hour of 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, at the hour of 12 noon, the Senate stand in recess until the hour of 2 p.m. to accommodate the regular party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this will mean that between the hour of 11:30 a.m. and 12 noon on Tuesday, the Senate will resume consideration of the unfinished business. We will be right back in the same situation as we are right now, with the Helms amendment to be pending. Not much action can be taken on that during that 30 minutes. We can at least extend the period for morning business if we wish, so I shall let the order stand.

ORDER FOR ADJOURNMENT UNTIL TUESDAY, JUNE 2, 1987, AT 10:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10:30 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have moved the hour forward because Tuesday next marks the first anniversary of television and radio coverage of Senate proceedings. I will have a few remarks to make on that date, and I assume Mr. DOLE will have some remarks.

ORDER DESIGNATING PERIOD FOR MORNING BUSINESS ON TUESDAY, JUNE 2, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on Tuesday next, there be a period for the transaction of morning business to extend until the hour of 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the recess to begin at 12 noon and to extend until 2 o'clock to accommodate the regular party conferences has been ordered.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. There will be an additional 30 minutes during which there may be further morning business or some business which may be transacted.

Mr. President, I inquire now of my very able friend, the distinguished Senator from Wyoming, if he has any further statement he wishes to make or any further business he wishes to transact.

CONGRATULATIONS TO SENATOR AND MRS. ROBERT C. BYRD

Mr. SIMPSON. Mr. President, I thank the majority leader, and I will indicate that there is nothing further in the way of business here. Again, congratulations on this special day, the 50th anniversary of he and his wife.

Mr. BYRD. Mr. President, the distinguished Senator is kind, as always. I am deeply appreciative, and my wife Erma is also.

May I thank the Senator and his beautiful wife Ann for the kindnesses and courtesies they have always extended, and especially for their attendance last night with some exceedingly generous remarks on that occasion and again today.

Mr. MOYNIHAN. Mr. President, I must not let this day go by without joining in the great joy that was so evident throughout the Library of Congress last evening on that memorable half century and to observe that there could not be a more appropriate place than the Library of Congress to observe the half century of nuptials of the most learned Member of this body in its history and the rules of the Congress and his devoted wife, who must have spent many hours of an evening wondering why that man spent such hours reading so many uncomprehensible books. He did so to lead the American public. He has done so well. We are in her debt for him.

Mr. BYRD. Mr. President, as usual, the perspicacity and sagacity of the very, very able senior Senator from New York has manifested itself. When he speaks of the forbearance and the patience that my good wife has undoubtedly had to demonstrate for all of these 50 years—and may I add one term, her staying power in putting up with ROBERT C. BYRD for 50 years—I think she is entitled to an award.

By the way, I have one to give her. It is a little wooden skillet. Instead of calling the Byrd house to order with the usual wooden hammer, or gavel, that we use here, she is going to have a wooden skillet with a little brass inscription on it, saying, "This is awarded to Erma Byrd for the forbearance, the patience, the tolerance, and the staying power that she has exhibited in living with ROBERT BYRD for these 50 years." I have to have a little fun in this.

Again, I thank my friend. We were both grateful last night. I want to violate the rules of the Senate and address my friends in the second person.

We were grateful, Pat, that you could share that evening with us, and so grateful, Alan, that you could share it with us.

Thank you.

Mr. SIMPSON. It was a special privilege.

ADJOURNMENT UNTIL 10:30 A.M., TUESDAY, JUNE 2, 1987

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 10:30 a.m. on Tuesday, next.

The motion was agreed to, and at 4:21 p.m., the Senate adjourned until Tuesday, June 2, 1987, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 29, 1987:

DEPARTMENT OF STATE

Mark L. Edelman, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

W. Nathaniel Howell, of Virginia, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

Michael Gordon Wygant, of Massachusetts, a Foreign Service officer of class 1, to be the U.S. Representative to the Federated States of Micronesia.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Charles L. Gladson, of California, to be an Assistant Administrator of the Agency for International Development, vice Mark L. Edelman.

AFRICAN DEVELOPMENT FOUNDATION

Charles L. Gladson, an Assistant Administrator of the Agency for International Development, to be a member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 22, 1991, vice Mark L. Edelman.

DEPARTMENT OF TRANSPORTATION

Randolph J. Agley, of Michigan, to be a member of the Advisory Board of the St. Lawrence Seaway Development Corporation, vice John R. Wall, resigned.

SELECTIVE SERVICE SYSTEM

Samuel K. Lessey, Jr., of New Hampshire, to be Director of Selective Service, vice Thomas K. Turnage.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Charles J. Cunningham, Jr., xxx-... xxx-xx-x...FR, U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Leo Marquez, xxx-xx-xxxx FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Michael J. Dugan, xxx-xx-x... xxx-...FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles C. McDonald, xxx-xx-x... FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Merrill A. McPeak, xxx-xx-xxxx xxx-...FR, U.S. Air Force.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Vice Adm. Powell F. Carter, Jr., xxx-xx-xx... xxx-.../1120, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Cecil J. Kempf, xxx-xx-xxxx /1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. John H. Fetterman, Jr., xxx-... xxx-xx-x.../1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 5137, to be appointed in the grade of vice admiral as chief of the Bureau of Medicine and Surgery and Surgeon General:

Rear Adm. James A. Zimble, Medical Corps, xxx-xx-xxxx /2100, U.S. Navy.

The following-named captain in the Staff Corps of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

HEALTHCARE PROFESSIONAL

Joseph P. Smyth

IN THE ARMY

The following-named officer for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

ARMY

To be major

Edward R. Hoffman, xxx-xx-xxxx

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve, for permanent appointment to the grade of colonel, under title 10, United States Code, section 5912:

Astle, John C., xxx-...
Bailey, James R., xxx-...
Barrow, John C., xxx-...
Becker, James S., xxx-...
Beland, Carlton L., xxx-...
Bond, Terry A., xxx-...
Bonner, Randall P., xxx-...
Bromley, Ray P., xxx-...

Brooks, Kevin P., xxx-...
Brown, Carol W., xxx-...
Buffington, Gilbert S., xxx-...
Cleveland, David C., xxx-...
Colella, Anthony R., xxx-...
Cripe, Daniel L., xxx-...
Cuddy, Francis J., Jr., xxx-...
Danberg, Neil B., Jr., xxx-...
Danskin, John W., xxx-...
Davis, Bruce K., xxx-...
Douglass, Robert C., xxx-...
Dowds, Charles J., xxx-...
Eakin, Randall W., xxx-...
Elmendorf, Ken A., xxx-...
Favor, Joseph M., xxx-...
Furbee, Charles W., III, xxx-...
Furlong, Thomas G., xxx-...
Gordon, John W., Jr., xxx-...
Guilford, Robert W., xxx-...
Hagans, Patrick C., xxx-...
Heitz, Bruce A., xxx-...
Hill, Robert T., III, xxx-...
Howell, Jack D., xxx-...
Jackson, Dennis D., xxx-...
Kaheny, John M., xxx-...
Kaufman, Thomas W., xxx-...
Klocek, Joseph J. xxx-...
Konkiel, Elinor M., xxx-...n
Kropp, Edward H., xxx-...
Lemoine, Ned J., xxx-...
MacBeth, William R., xxx-...
MacNamee, John T., xxx-...
Mange, Gerald B., xxx-...
Martinazzi, Robert, xxx-...
McClinchie, Alexander, III, xxx-...
McGinty, James P., xxx-...
McMenamy, Edward L., Jr., xxx-...
Mee, Patrick F., xxx-...
Metschan, John A., xxx-...
Mierzwa, Dennis L., xxx-...
Moffett, John W., xxx-...
Monserrate, Lawrence C., xxx-...
Morgan, Charles D., xxx-...
Murphy, Richard C., xxx-...
Peterson, William S., xxx-...
Prokopchak, Michele E., xxx-...
Reed, David L., xxx-...
Robinson, Theodore C., III, xxx-...
Roots, John C., xxx-...
Rosser, Richard C., Jr., xxx-...
Saxon, Donald R., xxx-...
Scotten, William E., xxx-...
Sinclair, James W., xxx-...
Sirmon, Kenneth P., xxx-...
Smith, Roderick V., xxx-...
Stacey, Wayne R., xxx-...
Thomas, John C., xxx-...
Veysey, Michael C., xxx-...
Viano, Paual Jr., xxx-...
Vogt, H.C., xxx-...
Ward, Jerry E., xxx-...
Weh, Allen E., xxx-...
Wilkie, James R., Jr., xxx-...
Williams, Rex M., xxx-...
Winters, William D., Jr., xxx-...
Wright, Robert B., xxx-...